Report of the French Language Education Governance Advisory Group

September

1991

Ontario

Groupe consultatif sur la gestion
de l'éducation en langue française

French Language Education
Governance Advisory Group

900, rue Bay
Édifice Mowat
5e étage
Toronto (Ontario)
M7A 1L2
(416) 965-6504
1-800-667-7396
télécopieur:
(416) 965-4321

900 Bay Street
5th floor
Mowat Block
Toronto, Ontario
M7A 1L2
(416) 965-6504
1-800-667-7396
fax:
(416) 965-4321

August 27, 1991

The Honourable Marion Boyd
Minister of Education
22nd Floor - Mowat Block
Queen's Park
Toronto, Ontario
M7A 1L2

Madame Minister:

We, the members of the French-Language Education Governance Advisory Group, have completed our mandate and are pleased to submit our report for your consideration.

Thérèse Lousineau
Chair

Brian Fleming

Susan E. Braun

Guy Lapensée

Jean Gaston

Chairman's Remarks

Governance of French-language education has been debated in this Province for many years. "By Franco-Ontarians for Franco-Ontarians" is a motto that has been a long-cherished dream; it has become a reality now enshrined as a right in the ***Canadian Charter of Rights and Freedoms***. To all those who, in one way or another, have struggled steadfastly towards governance of French-language education by Franco-Ontarians, I dedicate this report. Their spirit of commitment has been an inspiration to us all.

I wish to express my sincere thanks to the Ontario Government and to the Honourable Marion Boyd, in particular, for giving me the honour and privilege of chairing the French-language Education Governance Advisory Group. I am proud, indeed, of having been able to contribute to the worthy endeavour that was entrusted to us.

To my fellow colleagues, I extend my appreciation for sharing their wisdom, their experience, their uncountable hours and for being one of the most congenial groups with which I have had the pleasure of working.

I wish to express my gratitude to Ministry officials and the many others who have so willingly shared their time and expertise with us in the fulfilment of our mandate.

On behalf of the Group, I praise and thank our co-ordinator and "task-master," Laurier Bradley, for his constant support, extensive knowledge, effective co-ordination of our activities and for his uncanny ability to predict most, if not all, of our requests.

My thanks to our principal writer and editor, André Salwyn, and to the entire office staff for their diligence, patience, and for never having lost their sense of humour.

The members of the Advisory Group have sensed the very high expectations placed on the results of our deliberations. I believe that the recommendations contained in this report will have a positive effect on the future of French-language education in Ontario and, as a result, on the preservation of the Franco-Ontarian language and culture.

Trèva Cousineau
Chairman

92-01945/

Table of Contents

		PAGE
Mandate and Composition of the Advisory Group		1
Preamble		4
Introduction		9
Chapter I.	Methodology	11
Chapter II.	French-Language Education Governance in Ontario	14
	1. Historical Perspective	14
	2. Current Franco-Ontarian Context in Education	18
Chapter III.	Review of Governance Approaches	22
	1. Other Provinces	22
	2. Governance of Education in Ontario	25
	a. General	25
	b. French-Language Education	25
Chapter IV.	Constitutional and Legal Foundations	27
Chapter V.	Governance Structures: Proposals	37
	1. Description of Proposed Governance Structure	38
	2. Enumeration	49
	3. Funding	51
Chapter VI.	French-Language Education Governance Implementation	56
Chapter VII.	Dispute Resolution Mechanism	63
Chapter VIII.	Key Components in the Establishment of a French-Language School Board	65

1. Right to attend 65

2. Programs and Services 67

3. Personnel 74

4. Facilities 76

5. Transportation 84

6. Division of Assets/Liabilities 85

7. Continuous Liaison 86

Conclusion 88

Summary of Recommendations 89

Appendices 97

Bibliography 119

N. B. In this report, the masculine form is used in a generic sense in order to facilitate reading. It includes equal reference to both genders.

Mandate and Composition of the French-Language Education Governance Advisory Group

On November 14, 1990, an Order in Council (see Appendix I) established the French-Language Education Governance Advisory Group to develop recommendations for the governance of French-language education in Ontario, including criteria for the establishment of French-language school boards as well as alternative approaches to the governance of French-language education.

Members of the Advisory Group:

Trèva Cousineau, Chair

Executive Director of the *Conseil de l'éducation catholique pour les francophones de l'Ontario*; former Chair of the Timmins District Roman Catholic Separate School Board, former President of the *Association française des conseils scolaires de l'Ontario*; and former Chair of the Ontario School Trustees' Council.

Susan Braun

Thunder Bay District Manager, Ministry of Community and Social Services; former school trustee; former Chair of the Lakehead Board of Education; former President of the Northern Ontario School Trustees' Association; and former Chair of the Ontario School Trustees' Council.

Jean Comtois

Regional Director for the Ministry of Education's Eastern Ontario Region; former Director of the Ottawa-Carleton French-Language Education Advisory Committee; and former Secondary School Principal.

Brian Fleming

Education officer with the Legislation Branch of the Ministry of Education; and former Director of Education of The Dufferin-Peel Roman Catholic Separate School Board.

Guy Lapensée

Former Superintendent of French and English-Language Schools with the Ottawa Board of Education; former Executive Secretary of the Prescott-Russell School Boards Study Committe; former consultant for the Ottawa-

Carleton French-Language School Board Implementation Committee; now retired.

The terms of reference of the Advisory Group as outlined by the Minister of Education were as follows:

That bearing in mind the decisions of the courts since 1984, particularly the decision of the ***Supreme Court of Canada in Mahe et al. v. H. M. the Queen in Right of Alberta*** in March 1990 in Edmonton, and the government's intention to enhance the governance of French-language education in the province, the Advisory Group will assess and advise the Minister of Education on French-language governance approaches. In particular, without limiting the generality of the foregoing, the Advisory Group will:

a) Review the research on French-language school boards and other related materials;

b) Hold one consultation session in each of six cities namely Toronto, Ottawa, London, Sudbury, Thunder Bay and Timmins in order to receive comments, advice and opinions from interested individuals, groups and organizations;

c) Review and synthesize the comments, advice, opinions and findings;

d) Develop proposals for the structure, process and terms of reference of the French-Language Implementation Commission and the criteria for the establishment of French-language school boards and other alternate French-language governance approaches including the following components:

i. Description of alternate approaches to French-language education governance:

a) structures
b) division of powers
c) methods of funding

ii. Viability criteria of the various approaches

a) pedagogy
b) finances
c) school facilities
d) other facilities
e) demography

f) impact on coterminous boards and sections

iii. Implementation

a) facility transfers
b) personnel transfers
c) right to attend
d) division of assets/debts
e) continuous liaison (regionally/ coterminous)

iv. Whatever other ancillary issues related to the above.

e) Submit to the Minister progress reports according to pre-determined intervals.

f) Submit to the Minister, by May 15, 1991 [1] recommendations with respect to the criteria for the establishment of French-language school boards and other alternate French-language education governance approaches.

[1] At the request of the Advisory Group, this deadline was extended to September 3, 1991.

Preamble

> Section 23 is one component in Canada's constitutional protection of the official languages. The section is especially important in this regard, however, because of the vital role of education in preserving and encouraging linguistic and cultural vitality. [1]

The learner is at the very core of education. Our prime focus, as the French-Language Education Governance Advisory Group [2], responsible for advising the Minister of Education on French-language education governance approaches, was to ensure that every French-speaking learner in Ontario can be educated in French in an environment that fosters the development of the French language and culture.

Because of the vital role of education in promoting the French culture, we endorse the definition of "culture" as adopted by UNESCO in 1982 that reads as follows:

> **"In its largest sense, one can say that culture is the whole of spiritual, material, intellectual and emotional characteristics that makes any society or social group distinct. These include not only the arts but also ways of living, fundamental rights of the human being, value systems, traditions and beliefs."**

The establishment of governance structures that will allow French-speaking ratepayers of Ontario to manage and control all the elements necessary for the growth of the French-speaking learner is fraught with technicalities that could overshadow the real purpose of governance. Our Group wishes to stress that governance of French-language education should not be considered as an end in itself but rather the means for the attainment of an end: the development of the full potential of every French-speaking learner in Ontario. We believe, therefore, that governance of French-language education is important only so long as it assists and supports those who have the responsibility of helping learners reach their full potential.

We wish to emphasize that our mandate was not to recommend whether or not governance should be accorded to the Franco-Ontarian population; governance is a right granted by the ***Canadian Charter of Rights and Freedoms*** [3] and endorsed by Canada's highest Court. The Advisory Group was created for the purpose of proposing to the

---

1 Source: Supreme Court of Canada in Mahe et al. v. H. M. the Queen in Right of Alberta. p. 350; hereafter referred to as the "Mahe Case"

2 Hereafter referred to as the "Group" or "Advisory Group"

3 Hereafter referred to as the "Charter."

Minister of Education ways and means of implementing governance as decreed by the courts.

At the outset it is essential to clarify some of the basic parameters involved in identifying criteria for the establishment of effective and judicious French-language education governance structures.

The Client Group

> It is critical to emphasize that, for the Franco-Ontarian community, education represents the *sine qua non* condition for the achievement of its aspirations and for the preservation of its vitality as a national group. [1]

The Franco-Ontarian community is the client group of this report. Every Franco-Ontarian is guaranteed the right to education in French as a first language at the elementary and secondary school levels in accordance with Section 23 of the ***Charter*** (see Appendix II) and the ***Education Act of Ontario (1990)*** [2]. Thus, in this report, the use of "French language" or "French-speaking" refers to French as a first language only.

Educational Rights of the Client Group

1. Constitutional Rights

   These rights, that are primarily based on Section 23 of the ***Charter*** and clarified by decisions of the courts, include:

   a) **The right to a quality education in the French language equivalent to that provided in the English language;**
   b) **The right to educational facilities;**
   c) **The right to public funds to support French-language education programs, services and facilities;**
   d) **The right to manage and control such programs, services and facilities.**

   Furthermore, Section 93 of the ***British North America Act*** (see Appendix III) gives Roman Catholics the right to education in a Roman Catholic school

---

[1] Source: Brief submitted by the Section de langue française du Conseil des écoles séparées catholiques du district de Timmins; unofficial translation

[2] Hereafter referred to as the "Education Act"

system. Consequently, Franco-Ontarian Roman Catholics are entitled to receive their education in a French-language school or class within the Roman Catholic separate school system.

2. Additional Right in Ontario

In Ontario, the ***Education Act*** goes beyond constitutional rights in that every French-speaking person who is qualified to be a resident pupil of a school board has the right to receive elementary and secondary school instruction in the French language. In those instances where the person decides to exercise that right, the school board of which he is a resident pupil must provide a French-language program. [1]

French-Language Education in Perspective

Throughout our deliberations, we were mindful of a number of key factors including:

1. Goals of French-Language Education

The primary goals of French-language education are to give each individual enrolled in French-language schools and classes the opportunity to:

- develop his or her full potential in accordance with the ***Goals of Education*** of the Ministry of Education of Ontario (see Appendix IV);
- acquire the fullest possible awareness, knowledge and appreciation of and pride in the French language and culture in the context of Ontario and Canada; and
- acquire a sense of responsibility for the maintenance and promotion of the French language and culture.

2. Nature of the French-Language School in Ontario

The French-language school must be committed to the provision in the French language of programs, services and learning opportunities commensurate with the goals of education.

Moreover, the ambiance of the French-language school must reflect and promote the linguistic and cultural aspirations of the Franco-Ontarian community.

---

[1] Source: Education Act, Sections 258 and 261

3. Language of Communication

The maintenance and promotion of the French language and culture through education consistent with Section 23 of the ***Charter*** implies, in the view of the Advisory Group, that French must be the language of communication of every French-language school, section, and school board.

4. Responsibility for French-Language Education

The Ministry of Education is responsible for providing the legislative framework for the supply and delivery to the Franco-Ontarian population of educational programs, services, and facilities that are equivalent to those provided to the English-language population. This legislation must be prescriptive while allowing for the flexibility and adaptability required in local situations.

French-language school boards and sections are responsible for ensuring that the educational programs, services, and facilities within their communities are adapted to meet the educational needs of French-speaking learners.

It is imperative that the orientation of this education be defined by the Franco-Ontarian community from which the learners originate. The key issue that we addressed consisted in determining the most appropriate structure to enable French-speaking ratepayers to exercise full management and control of French-language education.

In the course of our deliberations, we were ever-mindful of the potential costs associated with the creation of any new structure. Though cost should not be a determining factor in granting governance of French-language education, we would be irresponsible were we to ignore the current financial situation in Ontario. Our proposals therefore recognize not only the right to full management and control of French-language education, but also the responsibility of minimizing the financial impact on the ratepayers of the Province of Ontario.

In support of any governance approach, we believe that successful implementation will require a spirit of co-operation, collaboration, and goodwill amongst all of the stakeholders involved. The spirit of the law is much more critical for the success of any governance endeavour than is the letter of the law.

Fundamental Guiding Principles Adopted by the Group

1. Governance and management of French-language education must ensure that the quality and scope of education provided in French-language schools is equivalent to that available in English-language schools in the same school jurisdiction;

2. Decisions related to French-language education in a given community must be the responsibility of French-speaking parents or their representatives;

3. Governance structures must guarantee that every citizen having Section 23 rights under the ***Charter*** has an opportunity to vote for a French-speaking trustee with responsibilities and decision-making powers for French-language education;

4. Adequate public funding must be available for the provision and governance of French-language education.

5. French-language education governance structures must be consistent not only with Section 23 of the ***Charter***, but also with the rights guaranteed under Section 93 of the ***British North America Act***.

Introduction

During the spring of 1990, the Supreme Court of Canada confirmed that Section 23 of the ***Charter*** grants to Canada's minority French-speaking population the right to manage and control French-language education.

In Ontario, although the right to French-language education has been recognized for some time, the right to full governance has not yet been granted except in Ottawa-Carleton with the establishment of the *Conseil scolaire de langue française d'Ottawa-Carleton* in 1988, and in Toronto with the establishment of the *Conseil des écoles françaises de la communauté urbaine de Toronto*, also in 1988. In 1992, a third French-language school board will be created: the *Conseil des écoles séparées catholiques de langue française de Prescott-Russell.*

Wishing to find ways to conform to the decision of the Supreme Court of Canada in the ***Mahe Case*** and to grant Ontario's French-speaking population the rights to which they are entitled, the Minister of Education, the Honourable Marion Boyd, appointed the French-Language Education Governance Advisory Group on November 14, 1990. Our Group's mandate was to recommend to the Minister criteria for the establishment of various French-language governance structures including French-language school boards.

We began by reviewing existing minority governance approaches in Canada, then concentrated on the Ontario scene. We looked at the following components: historical perspective, the current Franco-Ontarian context in education, the foundations of governance, and the enumeration process.

We also sought and received substantial input from school boards and sections, as well as organizations and individuals concerned with education in the province.

The master plan described in this report ensures that each and every French-speaking person who meets the criteria of the ***Charter*** and the requirements of the pertinent legislation will be able to exercise his right to vote for a French-speaking trustee responsible for making the decisions related to French-language education.

This report outlines the steps we followed in fulfilling our mandate, the conclusions we reached and the recommendations we are making to the Minister.

It also contains recommendations on such educational components as the right to attend, programs and services, personnel, facilities, transportation, financial resources, as well as the impact that the creation of French-language school boards could have on coterminous school boards and sections.

We support the Government's decision to establish in 1991 a commission to implement the proposals outlined in this report and we recommend a mechanism for the resolution of possible conflicts that could result from the creation of new governance structures.

CHAPTER I

Methodology

Our Group held regular meetings and information sessions, consulted with various experts in related fields, and reviewed relevant literature.

Regular Meetings

We first met on November 14, 1990, and subsequently held a two-day meeting, on average, each week.

Information Sessions

Prior to public hearings that began on February 12, 1991, members of our Group participated in more than 25 information sessions throughout the province. The purpose of these meetings was primarily to inform interested parties of the mandate of the Group and to explain how to participate in the process.

Consultation

At the request of the Minister of Education, our Group sought input from stakeholders in all regions of Ontario.

1. Input from the Community

   We placed an advertisement in 35 French and English-language newspapers across the province inviting submission of briefs (see Appendix V for a copy of the advertisement).

   In addition, letters were sent to the chairpersons of every school board and every section of boards as well as to the presidents of all the provincial associations in education inviting them to submit their views on governance.

   As a result, 113 briefs were submitted by school boards, sections of boards, associations and individuals and analyzed by our Group (see Table 1.1 below) (see Appendix VI for source of briefs).

Table 1.1 Number of Briefs Received (by source and Ministry Region) [1]

MINISTRY REGIONS	SCHOOL BOARDS	SECTIONS OF BOARDS	ASSOCIATIONS	INDIVIDUALS	TOTAL
Central Ontario	5	3	6	2	16
Eastern Ontario	7	3	14	4	28
Midnorthern Ontario	5	4	12	1	22
Northeastern Ontario	5	4	5	0	14
Northwestern Ontario	2	2	3	7	14
Western Ontario	3	8	4	4	19
TOTAL	27	24	44	18	113

2. Public Hearings

The advertisement and letters also invited interested groups, agencies, and individuals who had submitted a brief to meet with the Advisory Group to review their brief at public hearings held in London, Ottawa, Sudbury, Thunder Bay, Timmins, Toronto, and Windsor. The list of the briefs that were presented and discussed at the public hearings can be found in Appendix VI.

Our Group wishes to acknowledge the overall quality of the briefs submitted as well as the positive and constructive nature of the discussions held during the hearings that were open to and attended by the general public and the media. We also wish to point out that throughout the consultation process we consistently received strong support for the governance of French-language education by Franco-Ontarians.

3. Other Input

Our Group undertook a study of the governance of French-language education in other jurisdictions in Canada. Research papers were

[1] See Appendix VII for the boundaries of each region.

commissioned to determine what other provinces have done or are proposing to do in order to meet the requirements of Section 23 of the *Charter*.

As well, we met with experts in fields related to the governance of education and studied modes of co-operative delivery of educational services.

Review of Literature

The bibliography contains a list of relevant documents consulted by the staff and members of our Group. We would like to mention in particular the master plan for Franco-Ontarian education prepared by the Council for Franco-Ontarian Education.

CHAPTER II

French Language Education Governance in Ontario

> In a modern society such as ours and in which education is of ever increasing importance, it follows that a linguistic minority would consider such an education as a means to flourish if not a last resort to survive as a minority group with a history, a culture and values that it wants to protect and pass on to the younger generation. [1]

While recommending new French-language education structures for the province of Ontario, we considered two major components:

a) the historical background of French-language education in the province particularly as it relates to governance by Franco-Ontarians; and

b) the current Franco-Ontarian context in education which was deemed essential for the elaboration of realistic recommendations that took into consideration the geographic distribution of the French-speaking population in the province.

1. Historical Perspective

> People who take charge of their history ensure that their children have access to a quality of education that enables them to face the future. When French-speaking people manage their own affairs, they are in a better position to know their community and its needs. [2]

Our Group believes there is no need to recall the history of French-language education in Ontario since there are numerous excellent historical accounts on the subject. In our opinion the following landmark dates and decisions constitute an adequate framework with regard to the state of governance of French-language education in the province:

---

[1] Source: Brief submitted by the Association franco-ontarienne des conseils des écoles catholiques; unofficial translation

[2] Source: Brief submitted by the Section de langue française du Conseil des écoles séparées catholiques du comté d'Essex; unofficial translation

1968: The Ontario Government officially recognized via *Bills 140 and 141* the existence of French-language elementary schools. The same legislation authorized the establishment and operation of French-language instructional units at the secondary school level.

1972: The Ontario Government created the Council for French Language Schools whose mandate was to advise the Minister of Education on any matter dealing with French-language elementary and secondary education in Ontario. In 1980, this Council became the Council for Franco-Ontarian Education and, in 1991, it was restructured to include post-secondary education.

1974: The Ontario Government established the Languages of Instruction Commission of Ontario to help resolve disputes related to instruction in the language of the minority group, English or French.

1977: The Ontario Government appointed the first Assistant Deputy Ministry for French-Language Education. His responsibility is to advise Ministry of Education officials on all matters related to French-language education in Ontario.

1982: The Canadian Government adopted the ***Charter*** that opened the door to major changes in the field of minority language education rights across the country. Section 23 of the ***Charter*** thus guarantees that, "where numbers warrant," Franco-Ontarian parents have the right to have their children receive their elementary and secondary school education in French in the province. In Ontario, the Government went beyond this requirement by eliminating from its legislation the "when numbers warrant" clause with respect to the right to instruction in the French language.

1983: Franco-Ontarian community leaders, who had been requesting that the governance of French-language schools be placed in the hands of Franco-Ontarians, took their case to the Supreme Court of Ontario. The Government responded by referring the matter directly to the Ontario Court of Appeal.

1984: The Ontario Court of Appeal, in a judgment entitled ***Reference Re Education of Ontario and Minority Language Education Rights (1984)*** [1], ruled that several sections of the ***Education Act*** violated the right of Franco-Ontarians to govern their own schools.

---

[1] Hereafter referred to as the "Reference Case"

1986: The Ontario Government adopted *Bill 75*, which amended the ***Education Act***, thereby confirming the right of local Franco-Ontarian communities to assume governance of French-language education as French-language sections within existing school boards albeit with limited decision-making powers.

Bill 75 also provided for the establishment of the *Conseil des écoles françaises de la communauté urbaine de Toronto*, which commenced operation on January 1, 1989.

The Ontario Supreme Court, in the ***Marchand v. Simcoe County Board of Education et al*** [1] case, ruled that: "(a Francophone parent) is entitled to be provided out of public funds for an education in French to his children. That means the **same education** as is given the majority but in the other official language. **This is to be a full and complete education not a limited, partial or truncated one which necessarily would be an inferior education,** a second class one." (Emphasis by Judge Sirois)

1988: The Ontario Government adopted *Bill 109* which established the *Conseil scolaire de langue française d'Ottawa-Carleton*. The new board commenced operation on January 1, 1989.

1990: The Supreme Court of Canada released its judgment in the ***Mahe Case***. It ruled that Section 23 of the ***Charter*** provides:

- the general right to minority language instruction, with a sliding scale of institutional requirements based on the number of students. The sliding scale ranges from a minimum of publicly funded instruction to a maximum requirement of facilities;

- the right of Section 23 parents to control minority language educational facilities, which, where numbers warrant, may require either an independent board, representation on existing boards wherein the minority controls matters relating to language and culture, or other degrees of management and control;

- that, where there are minority language sections, the number of minority language representatives must be at least proportional to the number of minority language students for whom the board is responsible, and that the minority language representatives must have authority over certain specified matters;

---

[1] Hereafter referred to as the "Marchand Case"

- that the quality of education provided to the minority language group should be on a basis of reasonable equality with the majority although it need not be identical; and

- that the persons who will exercise management and control are minority language parents or their representatives.

1990: In Ontario, the decision in the ***Mahe Case*** led to the appointment of the French Language Education Governance Advisory Group with the mandate of recommending to the Minister of Education criteria for the implementation of alternative approaches to French-language education governance, including the creation of French-language school boards.

1991: A French-Language Education Division was established within the Ontario Ministry of Education.

The Minister of Education signed an agreement that will create, for 1992, the *Conseil des écoles séparées catholiques de langue française de Prescott-Russell.*

2. Current Franco-Ontarian Context in Education

Canadian Demography

In 1986, the total population of Canada was estimated at 25,309,345. Ontario had the largest population of any province with 9,101,710.

Table 2.1 Distribution of Canadian Population: (by province and language)

PROVINCES	FRENCH	ENGLISH	TOTAL
British Columbia	50,925	2,832,440	2,883,365
Alberta	62,215	2,303,610	2,365,825
Saskatchewan	25,200	984,425	1,009,625
Manitoba	55,585	1,007,430	1,063,015
ONTARIO	543,835	8,557,875	9,101,710
Quebec	5,801,690	730,760	6,532,450
New Brunswick	248,630	460,810	709,440
Nova Scotia	39,350	833,825	873,175
Prince Edward Island	6,500	120,145	126,645
Newfoundland	3,115	565,235	568,350
N.W. Territories & Yukon	2,240	73,505	75,745
Total	6,839,285	18,470,060	25,309,345

Source: Statistics Canada, 1986 Census

Franco-Ontarian Context: Demography

More than half a million Ontarians identify French as their mother tongue. The Franco-Ontarian population is distributed throughout Ontario with large concentrations living in Northeastern and Eastern Ontario.

Table 2.2 Distribution of Francophone Population in Ontario (by Ministry of Education region and percentage)

REGION	TOTAL POPULATION	FRANCOPHONE POPULATION	PERCENTAGE: FRANCOPHONE
Central Ontario	5,831,960	126,425	2.2
Eastern Ontario	1,139,308	208,780	18.3
Midnorthern Ontario	319,911	72,995	22.8
Northeastern Ontario	287,086	85,285	29.7
Northwestern Ontario	231,378	11,295	4.9
Western Ontario	1,292,067	39,055	0.6
TOTAL	9,101,710	543,835	6.0

Source: Statistics Canada, 1986 Census

Franco-Ontarian Context: Education

In the school year 1990-91, there were in Ontario 95,497 French-speaking pupils enrolled in 373 Roman Catholic Separate and public French-language schools as well as mixed schools at both the elementary and secondary levels.

Table 2.3 Enrolment in French Language Instructional Units in Ontario

Type of School	Elementary	Secondary	Total
Roman Catholic Separate Schools	62,062	19,498	81,560
Public Schools	7,860	6,077	13,937
Total	69,922	25,575	95,497

Source: Ontario Ministry of Education, 1990 School September Reports

According to Statistics Canada, 1986 census, there were in Ontario an estimated 135,612 youth between the ages of 6 and 17 with a right to French-language elementary and secondary education. However, only 57.1% of them were actually enrolled in French-language schools and classes. Throughout the consultation process, concerns were expressed to our group regarding this discrepancy between the potential and actual enrolment figures.

French-Language Education Governance

In 1991, there are 175 school boards responsible for the governance of education at the secondary and/or elementary school levels in Ontario. Of these boards, 118 provide French-language education.

Table 2.4 Number of School Boards Providing French-language Education in Ontario

French-Language Education Responsibility	Separate School Boards	Boards of Education	Total
No trustees elected specifically for French-language education.	13	37	50
French-language Advisory Committees: No trustees elected specifically for French-language education.		7	7
French-language Sections: [1] only French-speaking trustees elected for section.	28	22	50
English-language Sections: [2] French-speaking trustees elected specifically for French-language education.	9		9
French-language school board: [3] only French-speaking trustees elected		1	1
French-language school board [4] with two sectors: only French-speaking trustees elected for each sector	sector	sector	1
Total	sector + 50	sector + 67	118

Source: Ontario Ministry of Education, January 1991

---

1 Boards where the majority of trustees are identified as English-speaking ratepayers

2 Boards where the majority of trustees are identified as French-speaking ratepayers.

3 Refers to the *Conseil des écoles françaises de la communauté urbaine de Toronto*

4 Refers to the *Conseil scolaire de langue française d'Ottawa-Carleton*

CHAPTER III

Review of Governance Approaches

Our Group conducted a review of the different modes of minority-language education governance existing in Canada. We also looked at models currently being studied by various provincial governments as a result of the 1990 landmark decision of the Supreme Court of Canada in the ***Mahe Case*** confirming that Francophones have the right to govern French-language education.

This section first examines existing or proposed minority-language governance approaches in other provinces. It then looks at the general governance of education in Ontario and the governance of French-language education in particular.

1. Other Provinces

Following is an overview of existing or proposed minority-language education governance approaches by province throughout Canada as of July 30, 1991.

British Columbia

The proposal presently under consideration for the governance of French-language education in British Columbia calls for the establishment of three regional French-language school boards.

The three school boards would have the same powers as those of existing boards with the added authority to co-ordinate day-care and pre-school programs for French-speaking children. Trustees would be appointed by order-in-council in the event of an interim period and elected through regular elections thereafter.

Alberta

At the present time, Franco-Albertans have no control over their schools. However, there are now three proposals before the government for the governance of French-language education. Two were put forward by the Government of Alberta in a working paper called ***Management and Control of French Education in Alberta***. The third proposal was submitted to the government by the Franco-Albertans.

Government Proposal: Model 1

This model provides for guaranteed designated French-language representation on existing school boards. It is based on the premise that, at the present time, nowhere in Alberta is the number of French-speaking students sufficient to warrant an autonomous French-language school board. This model contains two options:

Option 1a:

Section 23 parents would approve, on an annual basis, the program to be provided. There would be a designated French-speaking representative on any school board where there is at least one French-language school.

Option 1b:

A Parents' Council would be elected by Section 23 parents for each school board with French-language schools. This Council would approve, on an annual basis, the program to be provided.

Government Proposal: Model 2

Option 2a:

Section 23 parents would approve, on an annual basis, the program to be provided. A modified Parents' Council would be elected by Section 23 parents for each school board with French-language schools. Where numbers warrant, the Minister could establish a French-language school board.

Option 2b:

Section 23 parents would approve, on an annual basis, the program to be provided; and, where significant numbers of pupils warrant, the Minister could establish French-language regional school boards.

Option 2c:

Section 23 parents would approve, on an annual basis, the program to be provided. There would be no Parents' Council but a regional French-language school board could be established by the Minister for Section 23 parents wanting to manage and control their own schools.

The board could be established to operate a single school or a series of schools in a region.

Franco-Albertan Proposal:

The third proposal before the Alberta Government represents the aspirations of Franco-Albertans. It concludes that Franco-Albertans favour the adoption of a regional approach to governance and advocates autonomous French-language school boards.

Regional school boards would be established in seven major centres and additional regional school boards could eventually be established in five other smaller centres. The Ottawa-Carleton model, which provides for two sectors within one board, is looked upon favourably as it accommodates denominational rights.

Saskatchewan

A system is approved in principle in Saskatchewan, but not yet implemented. It calls for a "Fransaskois" school system operated and managed within the framework of the provincial school system.

This model consists of local French-language school boards and a provincial French Language General Council. These boards would be made up of at least 5 but no more than 10 elected members. They would be elected in accordance with the appropriate provisions of the ***Education Act of Saskatchewan***. They would have generally the same powers and responsibilities as those enjoyed by other school boards.

This General Council would address the problems faced by a sparse population. Upon request, this Council would provide services in French to local schools. The Council should be able to provide in the French language all the services normally available in other schools of the province.

Manitoba

The Manitoba Government is currently establishing a single province-wide school division for Francophones.

Quebec

The Quebec educational system is structured along denominational lines: Catholic school boards and Protestant school boards.

There is currently an attempt to restructure the school system along language-based lines (*Bill 107*).

New Brunswick

Distinct school districts are established for French schools and for English schools across the province. This system enables the government to provide its French minority and English majority with parallel educational and governance systems. Currently there are 42 school districts, 15 of which are French-language school districts. A school board is made up of 7, 9 or 11 elected members.

Prince Edward Island

This model consists of a provincial French-language school board with jurisdiction over the whole island. Ten trustees are from the Evangeline area, which has the greatest concentration of Francophones, and five are from other regions of the island.

Other Provinces and Territories

There are no existing models specifically for the governance of minority language education in Nova Scotia, Newfoundland, the Yukon, nor the Northwest Territories.

2. Governance of Education in Ontario

A. General

There are presently in Ontario 175 school boards responsible for the governance of elementary and secondary education at the local level. Their organizational structures, which are provided for in the ***Education Act***, fall within the following broad categories:

i. boards of education
ii. separate school boards
iii. district school area boards
iv. rural separate school boards
v. French-language school boards

B. French-Language Education

Of the 175 school boards, 118 provide French-language education. This responsibility can be assumed as follows:

- the board offers French-language programs, or
- the board purchases French-language programs from another board, or
- a combination of both.

As a result of legislation adopted by the Ontario Legislature since 1986 with respect to the governance of French-language education at the local level, there are currently two French-language school boards, fifty French-language sections within boards where the language of the majority is English, and nine English-language sections within boards where the language of the majority is French.

Under the current provisions of the ***Education Act***, district school area boards and rural separate school boards are not permitted to establish minority language sections. There are eight such boards responsible for the provision of French-language education.

Under certain conditions, the ***Education Act*** allows for the establishment of French or English language advisory committees. Their role is strictly to advise school boards on French or English-language educational matters: they have no governance rights. At the moment there are seven French-language advisory committees and no English-language advisory committees.

In Ontario, the vast majority of French-language schools and classes are operated by French-language sections established within the jurisdiction of existing public or separate school boards.

There are two autonomous French-language governance structures in the province: one in Ottawa-Carleton and one in Metropolitan Toronto. A third French-language school board to be established in Prescott-Russell will begin operations in January 1992: the *Conseil des écoles séparées catholiques de langue française de Prescott-Russell.*

CHAPTER IV

Constitutional and Legal Foundations for French-Language Education in Ontario

> French-speaking people in Ontario have a right to manage their schools and their school system and the structures needed to assume this right must be implemented in order to abide fully with Sections 23 and 93 ... [1]

Since the adoption of the ***Charter*** in 1982, thirteen judgments have been handed down by various Provincial Courts and the Supreme Court of Canada with respect to the intent and the interpretation of Section 23.

Throughout its deliberations, the Advisory Group was guided by three judgments in particular because of their greater relevancy to the Ontario context:

1. The March 15, 1990 decision of the Supreme Court of Canada re ***Mahe et al. v. H.M. the Queen in Right of Alberta;***

2. The 1986 decision of the Supreme Court of Ontario re ***Marchand v. Simcoe County Board of Education et al.;*** and,

3. The 1984 decision of the Court of Appeal of Ontario re the ***Reference Re Education Act of Ontario and Minority Language Education Rights***

In addition to these judgments, the Advisory Group referred to:

1. ***The Education Act*** of Ontario (1990)

2. ***An Act to Establish a French-language School Board for the Regional Municipality of Ottawa-Carleton (Bill 109)***

3. ***The General Legislative Grants Regulations***

---

[1] Source: Brief submitted by the Conseil de l'éducation catholique pour les francophones de l'Ontario; unofficial translation

The following are excerpts from the aforementioned legal foundations:

Education Rights

- The general purpose of Section 23 of the ***Charter*** is to preserve and promote the two official languages of Canada, and their respective cultures. (p. 344) [1]

- Section 23 aims at achieving this goal by granting minority language educational rights to minority language parents throughout Canada. (p. 344) [1]

- Section 23 is also designed to correct, on a national scale, the progressive erosion of minority official language groups and to give effect to the concept of the "equal partnership" of the two official language groups in the context of education. (p. 344) [1]

- Every French-speaking person who is qualified under this ***Act*** to be a resident pupil of a board has the right to receive elementary school instruction in a French-language instructional unit operated or provided by the board. (Section 258) [2]

- Every French-speaking person who is qualified under this ***Act*** to be a resident pupil of a board has the right to receive secondary school instruction in a French-language instructional unit operated or provided by the board. (Section 261) [2]

Quality of Education

- Where the above degree of management is warranted, the quality of education provided to the minority language group should be in principle on a basis of reasonable equality with the majority. (p. 345) [1]

- The quality of the education of the minority must be equal to the majority. (p. 655) [3]

- The quality of education to be provided to the minority is to be on the basis of equality with the majority. (p. 43) [4]

---

[1] Source: Mahe Case

[2] Source: Education Act

[3] Source: Marchand Case

[4] Source: Reference Case

- ... the plaintiff is entitled to be provided out of public funds for an education in French to his children. That means the same education as is given the majority but in the other official language. This is to be a full and complete education not a limited , partial or truncated one, which necessarily would be an inferior education, a second class one. (p. 660) (emphasis in text). [1]

- As long as the education provided to the minority is equivalent to that provided to the majority, then the constitutional rights of the minority can be said to have been respected. (p. 660) [1]

Responsibility

- Where there are alternative ways of satisfying the requirements, the public authorities may chose the means of fulfilling their duties. (p. 376) [2]

- Imposing a specific form of educational system in the multitude of different circumstances which exist across Canada would be unrealistic and self-defeating. (p. 376) [2]

- Minority linguistic rights should be established by general legislation assuring equal and just treatment to all rather than by litigation. (p. 57) [3]

- The judiciary is not the sole guardian of the constitutional rights of Canadians. Parliament and the provincial legislatures are equally responsible to ensure that the rights conferred by the ***Charter*** are upheld. Legislative action in the important and complex field of education is much to be preferred to judicial intervention. (p. 57) [3]

- Any limitations placed on minority language education rights cannot be left to the unfettered discretion of existing school boards no matter how competent and well-meaning those boards may be. (p. 30) [3]

- The legislature has exclusive power to make laws in relation to education and to establish a system for the management thereof that it deems suitable to

---

[1] Source: Marchand Case

[2] Source: Mahe Case

[3] Source: Reference Case

conditions in the province. Section 23 limits this power in respect to minority language education. (p. 43) [1]

- Subject to the ***Charter*** and s. 93 of the Constitution Act, 1867, education in the province is a provincial matter. (p. 43) [1]

Management and Control

- It is essential, in order to further this purpose (to preserve and promote minority language and culture), where numbers warrant, minority language parents possess a measure of management and control over the educational facilities in which their children are taught. Such management and control is vital to ensure that their language and culture flourish. (p. 371) [2]

- Where the numbers warrant, s. 23 confers upon minority language parents a right to management and control over the educational facilities in which their children are taught. (p. 344) [2]

- What is essential to satisfy that purpose is that the minority language group have control over those aspects of education which pertain to or have an effect upon their language and culture. (p. 345) [2]

- The persons who will exercise the measure of management and control described above are "s. 23 parents" or persons such parents designate as their representatives. (p. 345) [2]

- The management and control accorded to s. 23 parents does not preclude provincial regulations. (p. 380) [2]

- ... the specific form of the educational system provided to the minority need not be identical to that provided to the majority. (p. 378) [2]

- In some circumstances an independent Francophone school board is necessary to meet the purpose of s. 23. However, where the number of students enrolled in minority schools is relatively small, the ability of an independent board to fulfil this purpose may be reduced and other approaches may be appropriate... (p. 374) [2]

---

[1] Source: Reference Case

[2] Source: Mahe Case

- ... Completely separate school boards are not necessarily the best means of fulfilling the purpose of s. 23. What is essential, however, to satisfy that purpose is that the minority language group have control over those aspects of education which pertain to or have an affect upon their language and culture. This degree of control can be achieved to a substantial extent by guaranteeing representation of the minority on a shared school board and by giving these representatives exclusive control over all of the aspects of minority education which pertain to linguistic and cultural concerns. (p. 375) [1]

- In my view, the relevant figure for s. 23 is the number of persons who will eventually take advantage of the contemplated programme or facility. It will normally be impossible to know this figure exactly, yet it can be roughly estimated by considering the parameters within which it must fall -- the known demand for the service and the total number of persons who potentially could take advantage of the service. (p. 384) [1]

- Any legislative provisions pertaining to those who may exercise management and control should include within their scope <u>all</u> parents who qualify for s. 23 rights as well as those who benefit from the provision of these rights, but do not qualify. Although the justification as set out earlier for the protection of the linguistic minority would appear not to include this group, fundamental fairness impels the conclusion that those parents whose children use minority language educational facilities should participate in managing and controlling them. (p. 47) [2]

- It must be remembered that s. 23 imposes a duty upon the legislature to provide minority language instruction "<u>wherever</u> in the province the number of children of citizens who have such a right is sufficient" (emphasis added). Since the numbers test should be applied on a local basis throughout the province, any arbitrary limitation applied across the province without any qualification or exemption may be difficult to justify. The numbers fixed will not always be immutable. They may vary with geographic regions and the type of instruction to be provided.
(p. 32) [2]

- In any event, the strict geographical limitations imposed on school boards and thus the geographical limitations imposed upon their duty to provide French

---

[1] Source: Mahe Case

[2] Source: Reference Case

language educational facilities is inconsistent with s. 23 of the ***Charter***. (p. 33) [1]

Funding

- It should be stressed that the funds allocated for the minority language schools must be at least equivalent on a per student basis to the funds allocated to the majority schools. (p. 378) [2]

- ...the right to tax (which would accompany the creation of an independent school district), is not, in my view, essential to satisfy the concerns of s. 23 with linguistic and cultural security. Section 23 guarantees that minority schools shall receive public funds, but it is not necessary that the funds be derived through a separate tax base provided adequate funding is otherwise assured. (p. 376) [2]

- With respect to funding, the reference point for determining the number of students will normally be the pupils actually receiving minority language education. (p. 378) [2]

- Special circumstances may warrant an allocation for minority languages schools that exceeds the per capita allocation for majority schools.(p. 378) [2]

- During the period in which a minority language education programme is getting started, however, it would seem reasonable to budget for the number of students who can realistically be seen as attending the school once operations are well established. This may be one example of a special circumstance which calls for a higher allocation of funds for minority education programmes. It could also be seen, however, as a consideration which would equally be extended to a majority language programme during its start-up period. (p. 378) [2]

- ...and such duty includes the provision of adequate funding for such purpose. (p. 55) [1]

---

[1] Source: Reference Case

[2] Source: Mahe Case

Facilities

- The rights conferred by this section (s. 23) with respect to minority language facilities impose a duty on the legislature to provide for educational facilities which, viewed objectively, can be said to appertain to the linguistic minority in that they can be regarded as part and parcel of the minority's social and cultural fabric. (p. 43) [1]

- Sections 23 (3)(b) and 27 of the Charter "should be interpreted to mean that minority language children must receive their instruction in facilities in which the educational environment will be that of the linguistic minority. Only then can the facilities reasonably be said to reflect the minority culture and appertain to the minority." (p. 39) [1]

- Thus, it would appear that where educational facilities are to be provided to assure the realization of the rights accorded by s. 23 (3)(b), the facilities to be provided must appertain to or be those of the linguistic minority. (p. 38) [2]

Denominational Rights

- The powers of management and control which s. 23 would accord to minority language groups under the interpretation proposed would not affect any rights in respect of the denominational aspects of education or related non-denominational aspects. (p. 382) [2]

- Section 23 of the Charter draws no distinction between denominational and non-denominational systems of education. The right conferred on citizens of Canada to have their children receive minority language educational instruction is comprehensive and, *prima facie*, applies equally to both systems of education. (p. 44) [1]

---

[1] Source: Reference Case

[2] Source: Mahe Case

Guiding Principles

Based on the foregoing references and statements of commitment on the part of the Ontario Government, the members of our Group adopted the following principles or "givens".

1.0 Education Rights

1.1 Within Ontario, the general purpose of Section 23 of the ***Charter*** is to preserve and promote the French language and culture by granting French-language educational rights to Franco-Ontarians.

1.2 Within Ontario, Section 23 is also designed to correct the progressive erosion of the Franco-Ontarian community and to give effect to the concept of the "equal partnership" of the two official language groups in the context of education.

1.3 Section 23 provides two basic rights for Franco-Ontarians namely (1) the right to instruction in the French language and (2) the right to adequate educational facilities where numbers warrant.

1.4 In Ontario, every French-speaking person who is qualified under the ***Education Act*** has the right to receive instruction in a French-language instructional unit operated or provided by the board.

2.0 Quality of Education

2.1 The quality of education provided in the French language must be equivalent in quality and scope to the education provided in the English language, although it need not necessarily be identical.

3.0 Responsibility

3.1 At the provincial level, the Minister of Education is responsible for the legislative framework allowing for the provision, to the Franco-Ontarian community, of educational programs, services, and facilities that are equivalent in quality and scope to those provided to the English-language population of Ontario.

3.2 At the local level, school boards or sections are responsible for ensuring, within the provincial guidelines, that the educational programs, services, and facilities provided to the French-language population are equivalent in quality and scope to those provided to the English-language population of the board.

3.3 The government may choose the means of fulfilling its duties where there are alternative ways of satisfying the requirements of Section 23.

3.4 The management and control accorded to French-language ratepayers under Section 23 are subject to provincial legislations and regulations.

4.0 Management and Control

4.1 There is a commitment on the part of the Government of Ontario to introduce measures to further enhance the governance by Franco-Ontarians of French-language education in the province.

4.2 The governance of French-language education must be under the exclusive management and control of Franco-Ontarian ratepayers.

4.3 All Franco-Ontarian ratepayers who have a right to management and control of French-language education must be identified.

4.4 The structure for the governance of French-language education need not be identical to that provided to the English-language population.

4.5 In some circumstances, a French-language school board is necessary to meet the purpose of Section 23 and, where the number of students enrolled in French-language schools is relatively small, other approaches are possible.

4.6 The relevant figure for Section 23 purposes is the number of persons who will eventually take advantage of the contemplated program or facility.

4.7 The calculation of relevant numbers is not restricted to existing school board boundaries.

4.8 In order to preserve and promote the minority language and culture, it is essential that French-speaking parents possess a measure of management and control over educational facilities in which their children are taught.

5.0 Funding

5.1 Public funding must be available for the provision of quality education in the French language.

5.2 The funds allocated for French-language education must be at least equivalent on a per student basis to the funds allocated to English-language education.

5.3 Special circumstances may warrant an allocation for French-language schools that exceeds the per capita allocation for English-language schools.

5.4 In order to respect the remedial nature of Section 23, pedagogical considerations must have more weight than financial requirements in responding to the needs of the French-speaking learner.

5.5 While Section 23 guarantees that French-language schools shall receive public funds, it is not necessary that the funds be derived through a separate tax base provided that adequate funding is otherwise assured.

6.0 Facilities

6.1 Adequate facilities must be provided out of public funds for the education of French-speaking learners.

6.2 The educational facilities must be conducive to the preservation and promotion of the French language and culture.

7.0 Denominational Rights

7.1 The powers of management and control, which Section 23 accords to minority-language groups, must not adversely affect the rights guaranteed by Section 93 of the ***British North America Act*** in respect of the denominational aspects of education or related non-denominational aspects.

CHAPTER V

French-Language Education Governance Structures: Proposals

> The members of our Federation are in favour of Francophones managing their schools because we are hopeful that the education provided will then better respond to the needs of the Francophone pupils. [1]

The mandate of the French-Language Education Governance Advisory Group was to develop criteria for the establishment of French-language school boards and other French-language governance approaches.

We studied a variety of possible structures: from a school board with one guaranteed French-speaking representative up to and including a French-language school board. A number of models were discarded because they did not grant true autonomy; others because the number of students was insufficient to enable the board to provide for quality education and still others because they excluded significant portions of Ontario's French-speaking population.

In the search for a governance structure that would best meet the needs of the Franco-Ontarian population and that is consistent with legal requirements and our guiding principles, we focused on guaranteeing that each and every Section 23 parent be able to exercise his right to vote for a French-speaking trustee responsible for the governance of French-language education.

In Ontario, two systems of education exist: one public and one separate. During the consultation process, our Group was reminded of the fact that public education must always be available to Franco-Ontarians. Our Group endorses these aspirations.

Moreover, our Group was mindful of the rights guaranteed under Section 93 of the ***British North America Act***. The input received during the consultations emphasized the need to respect Section 93 rights while creating new governance structures. Our Group re-affirms its commitment to the protection of denominational rights.

---

[1] Source: Brief submitted by the Fédération des associations de parents francophones de l'Ontario; unofficial translation

We recommend:

1. **That any French-language education governance structure respect the acquired denominational rights guaranteed under Section 93 of the *British North America Act*.**

Other factors influenced the decision-making process: the need to respect local autonomy, the diversity of the French-speaking student population, the geographic isolation and the demographic sparsity of the Franco-Ontarian community, and the impact on the English-language educational community in coterminous school board jurisdictions.

At present, except in Ottawa-Carleton and Metro Toronto, Franco-Ontarians have limited decision-making powers over French-language education. Some school boards that provide French-language education to small numbers of French-speaking students have no trustees elected specifically to govern French-language education. Other school boards have French-language advisory committees that have no governance power since their role is strictly an advisory one. Even though French-language sections of school boards are mandated by law, situations exist where their full authority is not exercised.

Our Group believes it is essential to implement a governance framework that respects the right of French-speaking ratepayers to the management and control of French-language education. Any such governance structure must guarantee that French-language communities are fairly represented.

1. Description of Proposed Governance Structures

A. French-Language Regional School Boards

> In our area a "regional Board" for francophones may be a system that should be considered. [1]

In order to ensure governance of French-language education by French-speaking ratepayers and the right of such ratepayers to elect those who will exercise that governance, we believe that the most appropriate approach is the establishment of French-language regional school boards in each region of the Ministry of Education.

---

[1] Source: Brief submitted by the Lake Superior Board of Education

We recommend:

2. **That the Minister of Education establish by 1994 up to two French-language regional school boards in each of the six regions of the Ontario Ministry of Education: one French-language regional Roman Catholic separate school board and one French-language regional board of education; and**

3. **That the jurisdiction of a French-language regional school board be divided into a sufficient number of electoral areas to guarantee fair representation of the population concerned.**

Moreover, our Group believes that Franco-Ontarian communities should have access to an alternative mode of governance that, in their view, might respond better to their specific needs.

Two optional governance structures, subject to a set of criteria, should be available to Franco-Ontarian communities for their consideration:

- a French-language area school board; or,
- a French-language local school board.

Our Group is aware that the recommendations that will follow suggest criteria for the creation of French-language boards that differ from those used in the past for the establishment of school boards in Ontario. While we know that a number of small school boards do exist, we believe that to establish French-language boards with small enrolments would be a disservice to the Franco-Ontarian population.

B. French-Language Area School Boards

> Any model for minority language governance must incorporate flexibility to allow each community to chose a structure that best suits its needs. [1]

A French-language area school board would consist of a merger of the Franco-Ontarian communities of two or more board jurisdictions in existence on September 3, 1991.

---

[1] Source: Brief submitted by Ontario Public School Boards' Association

We recommend:

4. **That the Minister of Education establish French-language area school boards subject to the following criteria:**

   a) **the proposed area school board must have a resident day school population of 1,500 or more in two or more school board jurisdictions; in special circumstances, conditions such as geography and sparsity of population may warrant consideration in jurisdictions where there are fewer than 1,500 resident day school pupils;**

   b) **the geographical boundaries of an area school board must cover the entire area of each participating school board; and**

   c) **the proposed area school board must be able to provide education in the French language ranging from Kindergarten to the completion of the Ontario Secondary School Diploma; and**

   d) **the French-speaking trustees concerned must submit, for approval to the Minister of Education, a plan requesting the establishment of a French-language area school board that includes a reference to the impact which the board would have on the coterminous English-language school board and on the proposed French-language regional board.**

Any such governance structure must guarantee that French-language communities are fairly represented.

As in the case of the French-language regional school boards, our Group believes that communities included in a French-language area school board should have fair representation on the board and that there should be a sufficient number of trustees to guarantee the fulfilment of the school board's responsibilities.

We recommend:

5. **That the jurisdiction of the French-language area school board be divided into a sufficient number of electoral areas to guarantee a fair representation of the communities involved.**

C. French-Language Local School Boards

A Franco-Ontarian community in a single board jurisdiction may request the establishment of its own local school board. In order for this structure to be viable and productive, our Group believes that it should also be subject to a set of criteria.

We recommend:

6. **That the Minister of Education permit the establishment of French-language local school boards if the following criteria are met:**

   a) **the proposed local school board must have a resident day school population of 1,500 or more in one school board jurisdiction; in special circumstances, conditions such as geography and sparsity of population may warrant consideration in jurisdictions where there are fewer than 1,500 resident day school pupils;**

   b) **the geographical boundaries of the new French-language local school board must be the same as that of the existing local school board from which it originates; and**

   c) **the proposed local school board must be able to provide education ranging from Kindergarten to the completion of the Ontario Secondary School Diploma; and**

   d) **the French-speaking trustees concerned must submit, for approval to the Minister of Education, a plan requesting the establishment of a local board that includes a reference to the impact which the board would have on the coterminous English-language school board and on the proposed French-language regional board.**

D. Impact on the Ministry of Education

> As long as we do not have a "Francophone governance" with real powers within the Ministry of Education, our priorities risk being compromised. [1]

In order to be effective, any governance model must be supported by a structure within the Ministry of Education with the powers to make decisions concerning French-language education.

We are pleased with the government's announcement that the Ministry of Education is being restructured to include a French-Language Education Division headed by an Assistant Deputy Minister with decision-making powers. Our Group is confident that this restructuring will assist in meeting the educational needs of the Franco-Ontarian community.

E. Impact on Coterminous Boards and Sections

> The "remaining" Board must also be prepared to bear the burden of reorganization and it needs a mechanism to plan effectively for the inevitable change it will face. [2]

The reorganization associated with the creation of French-language school boards will inevitably lead to changes in existing school boards. Change often results in apprehension, uncertainty and even resistance on the part of those affected. In order to alleviate the disruption, proper planning must be carried out and must include the full participation of all concerned.

Concerned parties are not only those who will be part of the new structure but also those who will remain in the existing boards as a result of the decisions of the Franco-Ontarian community. Throughout the consultation process, members of our Group were reminded that the impact the creation of French-language school boards will have on existing boards must be assessed by all parties concerned and by the English-language group in particular.

---

1 Source: Brief submitted by l'Association française des conseils scolaires de l'Ontario, Régionale 4; unofficial translation

2 Source: Brief submitted by the Ottawa Roman Catholic Separate School Board

This impact will be felt to varying degrees in different parts of the province and a single solution cannot address all concerns. A number of boards will be left with very few students after the French-speaking population is withdrawn from their systems. Each board must assume the responsibility of studying its own structure in the light of the proposed changes.

We are aware that the Northern Education Project Team of the Ministry of Education is now conducting a study to assess the needs of small boards and isolate boards in Northern Ontario. It is our wish that our recommendations prove useful to them in planning for the enhancement of educational services in the North.

In order to assist boards in addressing the question of the impact and in preparing for the inevitable changes, we favour the establishment of impact committees wherever new structures are to be created. These committees should have a defined membership and a clear mandate.

Our Group recognizes that these committees cannot function in isolation. We stress the need for consultation and co-operation between both linguistic groups of the communities involved.

We recommend:

7. **That impact committees, consisting primarily of English-speaking trustees of the board, be established where French-language school boards are considered;**

8. **That the mandate of the impact committees be to assess and address the impact of the establishment of a French-language education governance structure on the resident English-speaking student population in a given coterminous jurisdiction; and**

9. **That, throughout the assessment process, communications be established and maintained between impact committees and their respective local planning and implementation committees (see Chapter VI).**

F. Powers of New French-Language School Boards

> In order to meet the needs of the students and the community it represents, members of a school board must be directly responsible to the ratepayers. Elected trustees must be both representative and autonomous when it comes to assessing and providing for the needs of their students. [1]

Trustees have the responsibility at the local level to implement and develop policies with respect to programs, services and facilities according to local needs. The powers and functions of the school boards are outlined in and imposed by the ***Education Act***.

Our Group is of the opinion that, since new French-language school boards will be legally constituted boards, trustees elected to these boards must have the same responsibilities and role as trustees elected to other school boards. Moreover, as soon as a French-language school board is established, it is critical that this new school board be given exclusive responsibility for the provision, management and control of French-language education in that jurisdiction in accordance with the requirements and the spirit of Section 23 of the ***Charter***.

We heard numerous comments concerning the number of trustees that should be elected to Ontario school boards. Currently, the number of trustees of a board is determined by the assessment commissioner. This number is based on the population within a school board's jurisdiction and can vary from eight to twenty-four regardless of the number of students for whom trustees are responsible. We believe that, in some cases, the number of trustees should be reduced and be more reflective of the number of resident day-school pupils within a board's jurisdiction.

We recommend:

10. **That the trustees of French-language area, regional, and local school boards have all the powers, duties and responsibilities imposed upon trustees of any board in Ontario in accordance with the *Education Act*;**

11. **That the *Education Act* be amended so that the newly created French-language school boards have exclusive responsibility over French as a first language education in their jurisdiction;**

---

[1] Source: Brief submitted by the Ontario English Catholic Teachers Association

12. **That the *Education Act* be amended so that resulting English-language school boards have exclusive responsibility over English as a first language education in their jurisdiction; and**

13. **That the Ministry of Education re-examine Section 206 of the *Education Act* and, in particular, the need for a minimum number of eight trustees, taking into consideration that this number should be more reflective of the number of resident day-school pupils within a board.**

G. French-Language Sections

> We like our mode of governance and would like to maintain the status quo. [1]

> In view of the educational vision and the political and financial parameters that govern education in our area, we urge you to let our section make the final decision as to whether or not it wants to increase the number of trustees currently in place. [2]

In the course of our consultation, several communities asked that they be permitted to continue to govern French-language education within the framework of the French-language sections.

The ***Education Act*** specifies that "every board that operates a French-language instructional unit shall have a French-language section of the board." (Section 277d)

At the present time, a number of trustees are satisfied that the legislation is clear and that they can fulfil their responsibilities because of the goodwill and spirit of co-operation of the school board. Other trustees, however, have requested amendments to the ***Education Act*** to expand areas of exclusive jurisdiction.

Based on the recommendations of this report, trustees will have an opportunity to choose a structure that would grant full governance. Therefore, our Group does not

---

1 Source: Brief submitted by the Section de langue française du Conseil de l'éducation de Nipissing; unofficial translation

2 Source: Brief submitted by the Section de langue française du Conseil des écoles séparées catholiques de la région de York; unofficial translation

deem it appropriate to make any recommendation expanding areas of exclusive jurisdiction as specified in Section 277 (d) of the ***Education Act***.

Our Group does believe, however, that trustees should be allowed to continue to govern French-language education as sections of school boards if that is their wish. However, the issue of the number of trustees elected to a section requires further consideration.

According to the current provisions in the ***Education Act***, once the total number of members for a given school board has been determined by the assessment commissioner based on the scope of the general population within the jurisdiction of the board, the number of trustees of each language group of a board must be proportionate to the number of resident pupils of the board within each language group. In any case, the minimum number of trustees for a French-language section is three.

During the consultation sessions, our Group was asked to recommend an increase in the minimum number of trustees from three to five. It was argued that, on the one hand, in many instances, three trustees are not sufficient to enable the French-language section to carry out its responsibilities. On the other hand, concerns were expressed regarding the additional costs of increasing the number of trustees of French-language sections.

Our Group believes that the number of French-speaking trustees must be sufficient to enable the French-language section to carry out its responsibilities adequately and that the local trustees are in the best position to determine their needs in this regard.

We recommend:

14. **That a French-language section within a school board continue to exist if such is the wish of the Franco-Ontarian community concerned;**

15. **That the powers of the French-language sections continue as presently specified in Section 277 of the *Education Act*;**

16. **That the guaranteed minimum number of trustees for a French-language section remain three; and**

17. **That the Minister of Education amend the *Education Act* to allow a French-language section to increase by one or two the guaranteed minimum number of its trustees without changing the number of the remaining trustees on the school board.**

H. French-Language Advisory Committees

> If French-language school boards must be established, then we believe that certain basic principles will have to be observed (one of which is): ... the abolition of advisory committees since French-*speaking ratepayers should have, at all times, the benefit of a* representation with full powers. [1]

Throughout the consultation process, it was suggested that French-language Advisory Committees be abolished since they do not provide any form of governance to Franco-Ontarian communities.

We concur and recommend:

18. That the Minister of Education take the necessary steps to abolish French-language advisory committees as new French-language education governance structures are established in their jurisdiction.

I. *Conseil des écoles françaises de la communauté urbaine de Toronto*

In 1986, the Government of Ontario passed ***An Act to amend the Education Act and the Municipality of Metropolitan Toronto Act***. This legislation provided for the establishment of the *Conseil des écoles françaises de la communauté urbaine de Toronto* in the context of the 1988 municipal and school board elections in Ontario.

The *Conseil* is a public school board providing a complete range of French-language educational programs and services at the elementary and secondary levels to the Francophone community of Metropolitan Toronto. It presently operates six schools.

The *Conseil* is composed of nine Francophone school trustees elected by Francophone ratepayers who support the public school system. It belongs to the Federation of Public School Boards of Metropolitan Toronto.

The *Conseil des écoles françaises de la communauté urbaine de Toronto* does not meet the minimum of 1,500 students recommended in this report as one of the criteria for the establishment of a French-language local school board. Our Group believes, however, that it should continue to exist as is if such is the wish of the community it serves given that it was established under a different set of rules.

---

[1] Source: Brief submitted by the Section de langue française du Conseil de l'éducation de Lambton; unofficial translation

Should the *Conseil* wish to adopt an alternate form of French-language education governance, it should have the same opportunities available to the French-language sections of school boards as recommended in this report.

We recommend:

19. **That the *Conseil des écoles françaises de la communauté urbaine de Toronto* have the same opportunity as French-language sections to select an alternate form of French-language education governance, if such is the wish of the community it serves.**

J. ***Conseil scolaire de langue française d'Ottawa-Carleton***

In 1988, the Government of Ontario passed ***An Act to establish a French-language School Board for The Regional Municipality of Ottawa-Carleton***. As a result, the *Conseil scolaire de langue française d'Ottawa-Carleton* was established on December 1, 1988.

The *Conseil scolaire* consists of two sectors: one Public, one Roman Catholic. The Public sector, which has eight trustees, governs the public elementary and secondary schools. The 14 trustees of the Roman Catholic sector govern the Roman Catholic elementary and secondary schools. The members of the Public sector and the members of the Roman Catholic sector together constitute the full Board.

The French-language school board has all the powers and performs all the duties conferred or imposed by the ***Education Act*** on a board in respect of school instruction in French-language instructional units. The ***Act*** provides for exclusive and common areas of jurisdiction of each sector and of the full Board. When a sector deals with areas of exclusive jurisdiction, it acts as a school board.

During the public hearings, the *Conseil scolaire de langue française d'Ottawa-Carleton* and each of the sectors of the Board presented briefs to the Advisory Group. Based on the input provided, our Group believes that, while respecting the wishes of the community, the sectors should be given the same opportunity as the French-language sections to remain as is or to adopt alternative modes of governance in accordance with the proposals in this report.

We recommend:

20. **That each sector of the *Conseil scolaire de langue française d'Ottawa-Carleton* be given the same opportunity as French-language sections to select an alternative form of French-language education governance if such is the wish of the community it serves.**

2. Enumeration

> In all probability, the Francophones of Ontario will never be compensated for the losses they incurred with time. However, it should be easy to understand that the minimum that could be considered acceptable, at the very least, would be to put an end to the historic injustices that remain. For instance, the enumeration process in force at present grossly penalizes the Francophones. [1]

A. Enumeration Process

The effective implementation of any new structure for the governance of French-language education will require an accurate identification of the French-language population. This is essential for the determination of the potential school population, of the ratepayers who have the right to elect or to be elected as school trustees, and to enable the new board to exercise its right to raise local revenues.

Furthermore, the establishment of French-language education governance structures proposed in this report will require the identification of four groups of electors, namely:

- French-speaking Separate school electors,
- English-speaking Separate school electors,
- French-speaking Public school electors, and
- English-speaking Public school electors.

The present enumeration process does not meet all the requirements referred to above. On numerous occasions during the consultation, presenters emphasized the inequities of the present process. In particular, reference was continuously made to the "default clause" which establishes that every tenant or owner is an English public school supporter unless he identifies himself differently. Specifically, persons who are Roman Catholics and who wish to support the Roman Catholic separate school system must designate their support on the enumeration form, thereby directing their taxes to the separate board.

Many French-language residents of Ontario are particularly affected since the enumeration process imposes upon some of them a double responsibility: they must identify themselves as French-speaking and, for those who are Roman Catholics, as supporters of the Roman Catholic separate school boards.

---

[1] Source: Brief submitted by L'Association française des conseils scolaires de l'Ontario; unofficial translation

This obligation leads to misunderstandings and many residents fail to assign their taxes to their preferred educational system. As a result, the numbers are skewed and school boards are deprived of revenues. This is particularly detrimental to those boards that rely heavily on residential assessment due to the shortage of industrial and commercial assessment.

Our Group believes that the present process is unacceptable. A fair and more accurate method for identifying ratepayers and electors must be instituted. We recognize the importance for every ratepayer to identify his school support. An advertising campaign could alert the population to this duty. We also suggest that, if by the deadline specified on the enumeration form, a response has not been received by mail, a follow-up visit by an enumeration officer to the residence of those who have not replied may be of assistance to obtain the greatest response possible.

We recommend:

21. **That the Minister of Education ask the Ministry of Revenue to amend the legislation governing the enumeration process in order to make it compulsory for all individuals in Ontario to identify their school support.**

B. Unassigned taxes

For a variety of reasons, some ratepayers will not assign their school support with the result that it will be impossible to allocate their taxes to a particular school board. A process of distribution of the tax dollars thus collected for educational purposes will have to be introduced.

We recommend:

22. **That taxes collected by municipalities for educational purposes and not directed to a particular school board by the ratepayers concerned be pooled coterminously and redistributed in the coterminous boards on a per pupil basis.**

C. Split Taxes

Another concern raised in the consultation sessions referred to the inability for co-tenants and co-owners of a residence, and individual members of a couple to assign their educational taxes to any school board they are qualified to support. Present legislation governing enumeration does not permit the splitting of taxes amongst different school systems.

French-language ratepayers are further disadvantaged by this lack of flexibility since they have to assign their taxes not only on the basis of religion, but also on the basis of language.

Moreover, at the present time, since in most cases both French-language schools and English-language schools are operated by the same school board, parents may have one child attend an English-language school while another attends a French-language school. The creation of new French-language school boards may make such arrangements more difficult.

An adequate response to such situations will require changes in legislation.

We recommend:

23. **That the relevant legislation be amended to enable co-tenants and co-owners of a residence, and individual members of a couple to assign their educational taxes to any school board they are qualified to support.**

3. Funding

> The existing system of financing education and particularly the assessment system, is archaic and inequitable. The mental exercise of adapting the system to the establishment of French-language school boards amply demonstrates the need for fundamental reform. [1]

The single most recurring concern expressed to our Group during the consultation process dealt with the funding of education in general. The funding of French-language boards was the source of particular anxiety.

The provincial mechanism for funding education is outlined in the ***General Legislative Grants*** (*GLG*) regulations. It attempts to equalize financial resources and mitigate inequities in access to financing among school boards and communities across the province so that every pupil has equal access to a quality education.

The *GLG*'s contain several provisions but, most importantly, they establish per pupil grant ceilings and equalized mill rates to be used by school boards in calculating their per pupil operating grants. For 1991, the grant ceiling is $ 3,770 per elementary pupil and $4,710 per secondary pupil and the equalized mill rate is 5.628 for the elementary level and 4.635 for the secondary level.

---

[1] Source: Brief submitted by the Ontario Separate School Trustees' Association

To meet its recognized costs per pupil, each board is required to levy the provincially determined equalized mill rate on its equalized assessment base. This attempts to ensure that ratepayers, wherever they live, are all subject to the same mill rate effort to support the same base level of education.

The difference between a board's recognized costs and the yield of its equalized mill rate is made up by the province in grants. Provincial grants therefore are equalization grants. A board with a large assessment base per pupil is able to meet a significant portion of its recognized operating costs by applying its equalized mill rate. However, the same mill rate effort by a board with a small assessment base per pupil yields a smaller portion of that board's recognized operating costs. Consequently, the assessment-poor board receives a larger portion of its recognized operating costs in the form of operating grants from the province.

The situation changes when it comes to the operation costs above established ceilings. All these operating costs must be financed entirely through local taxes since these expenditures are not recognized by the Ministry for grant purposes.

Based on estimates for the year 1990, more than 98% of all school boards in Ontario were spending above the ceiling at the elementary level. At the secondary level, over-spending was equally high, reaching 96%. At the elementary level, 56% of the boards spent between $500 - $2000 per pupil above the ceiling. At the secondary level, 79% of the boards were also in that over-spending bracket.

The inadequacies of the funding of education were clearly expressed to our Group in almost every brief and presentation. On the one hand the Franco-Ontarian community stresses that the right to governance of French-language education is futile if it is not accompanied by financial support sufficient to ensure learners in French-language schools have access to programs, services and facilities equivalent to those available to learners in English-language schools. On the other hand, while the English-language community respects and is generally supportive of the right of the Franco-Ontarian community to manage and control French-language education, it is concerned with the possibility that the exercise of this right could impose an undue burden on the local English-language ratepayers. In its view, the funds currently available for the provision of quality education at the local level are already insufficient.

Our Group recognizes that the current provincial *GLG* mechanism for the funding of the operational costs of education allows for an equitable access to financing **up to the ceiling** among school boards and communities across the province, but we believe the established ceilings set by the Ministry of Education are unrealistically low. While there is equity up to the recognized amounts, there is inequity in spending among boards with respect to above-ceiling expenditures.

Since the revenues to cover above-ceiling expenditures must be raised through taxes on local ratepayers, those boards with large commercial and industrial assessment bases are able to spend at significantly higher levels with a much lower tax effort than assessment-poor boards. For example, the equalized assessment base for the wealthiest school board is $740,000 per pupil at the elementary school level, compared to $50,000 per pupil for the poorest one. Accordingly, in order to raise $100 per pupil, the latter school board requires a mill rate that is almost 15 times higher than that of the former.

Commercial and industrial assessment is the critical element creating this discrepancy. To illustrate, taking into consideration only the equalized commercial and industrial assessment at the elementary level, one school board is 36 times wealthier than another. In 1991, the equalized commercial and industrial assessment base in the first case is $417,760 per pupil whereas in the second case it is $11,720. Where there is little or no commercial and industrial assessment, the current funding of education above the ceiling imposes an unfair burden on the ratepayers paying property taxes based on the equalized assessment of their residence or farm.

Compared to the public school boards, the assessment base of separate school boards is generally lower. This results in a compounded financial difficulty for the Franco-Ontarian community in the financing of new French-language school boards: not only is the assessment base of the Franco-Ontarian community very limited, but the majority of French-language schools are in the Catholic school system which is also generally assessment-poor. Commercial-industrial assessment is an important source of revenue for any school board. Our Group believes that the adoption of *Bill 64* and *Bill 65* is a positive step in making available an equitable share of the revenues from this source among the coterminous school boards in a given jurisdiction. However, it does not achieve equity of financial resources, even between coterminous school boards; nor does it provide funding equity for the education of French-speaking pupils. Our Group is aware that the Ministry of Education is currently considering this very question and we encourage the Minister to pursue this endeavour.

We suggest that the report of the Committee on the Financing of Elementary and Secondary Education in Ontario (MacDonald, 1985) would be useful to those who might be given the responsibility of making recommendations to the Minister of Education concerning the funding of education. We concur with many statements of the MacDonald Committee members, particularly in their attempt to overcome present inequities and to equalize a ratepayer's share of the costs of education. We urge the Ministry of Education to give serious consideration to the recommendations of the Committee in this regard.

We do not believe that the French-language school boards should be placed in the position of having to compete with the English-language boards for assessment. We concur with the Ontario Separate School Trustees' Association suggestion that until the restructuring of the funding of elementary and secondary education in Ontario has been

completed, all assessment from separate school boards of the same jurisdiction should be pooled in order to avoid such competition. These revenues could then be distributed on a per pupil basis. The same principle would apply to coterminous boards of education.

In the meantime, we believe that a short-term solution, which also might be incorporated in a total restructuring, would be the provincial pooling of revenues from the commercial and industrial assessment and the redistribution of revenues on a per pupil basis. While *Bill 64* and *Bill 65* are steps in the right direction, our Group is of the opinion that they do not go far enough.

It is an accepted fact that the per capita cost of education for French-speaking learners is higher because of their sparsity and smaller numbers. Consequently, special grants are currently being distributed to school boards. Until such time as existing education funding inequities are addressed and corrected by the Ministry of Education, interim funding will be required to enable the new French-language school boards to provide, without undue burden on their ratepayers, an education which is:

- equal to that offered to their students prior to the formation of the new boards; and
- equivalent to that provided in the coterminous English-language school boards.

In addition, special grants will be required to provide assistance with start-up costs.

During the consultation process, we were made aware of financial difficulties encountered by the *Conseil scolaire de langue française d'Ottawa-Carleton*. It was suggested that the cost involved in any new governance structure as well as the Ministry's share be determined prior to its implementation.

We recommend:

24. **That the Ministry of Education undertake the general restructuring of the funding of education in Ontario;**

25. **That, until the restructuring of the funding of education at the elementary and secondary levels has been completed, the Ministry of Education establish more realistic ceilings;**

26. **That, at the very earliest convenience, the Ministry of Education pool provincially all revenues raised from commercial and industrial assessment and redistribute them on a per pupil basis throughout the province;**

27. **That, until the existing inequities for the funding of education in Ontario have been addressed and corrected, the Ministry of Education provide the required financial support to new French-language school boards by enhancing the funds currently available under the *Grants for French-Language Education Program;***

28. **That, until the restructuring of the funding of education has been completed, the revenues raised from assessment in coterminous Roman Catholic separate school board jurisdictions with two governance structures (one English, one French) be pooled for redistribution in the coterminous boards on a per pupil basis;**

29. **That, until the restructuring of the funding of education has been completed, the revenues raised from assessment in coterminous boards of education jurisdictions with two governance structures (one English, one French) be pooled for redistribution in the coterminous boards on a per pupil basis;**

30. **That the level of financial support to be provided by the Ministry of Education be determined prior to the establishment of every new French-language school board;**

31. **That the Ministry of Education provide interim funding to ensure that French-language school boards can, without undue burden on their ratepayers, offer their students an education which is**

    - **equal to that offered to their students prior to the formation of the new boards; and**
    - **equivalent to that provided in the coterminous English-language school boards; and**

32. **That the Ministry of Education provide start-up grants to assist with the initial costs associated with the establishment of new school boards.**

CHAPTER VI

French-Language Education Governance Implementation

> The creation of French-language school boards is not enough; one must implement them as well and ensure an efficient and harmonious transition from shared management to autonomous management. [1]

The recommendations in this report constitute the framework for governance of French-language education by French-speaking ratepayers. The implementation of any new structure, as outlined in this report, will require assistance, monitoring, evaluation, and co-ordination.

Over the years, the Ministry of Education has adopted the following approaches to implement significant changes in the governance of education in Ontario:

a. School Board Amalgamation Team

In 1969, following the decision of the Minister of Education to reorganize the existing 1358 school boards in Ontario into 192 larger units, a team of Ministry officials was assigned the responsibility to carry out the amalgamation.

b. The Planning and Implementation Commission

In 1984, the Ontario Legislature passed legislation (*Bill 30*) extending funding to the separate school system at the secondary school level. In order to implement this legislation, the Ontario Government established, for a period of ten years, the Planning and Implementation Commission.

The mandate of this Commission is to advise the Minister of Education of specific means by which the extension of the Roman Catholic school system may best be carried out.

---

[1] Source: Brief submitted by the Association des surintendantes et des surintendants franco-ontariens; unofficial translation

c. ***Bill 75* Ministry Implementation Team**

In 1986, the Assistant Deputy Minister, French-Language Education, was responsible for the co-ordination and implementation of the changes resulting from the adoption of Bill 75. She was assisted by a team of Ministry officials and personnel seconded from school boards.

During the consultation period, public hearings and written briefs revealed concerns as to whether the Minister of Education would assist in the establishment of French-language school boards. Communities were virtually unanimous in expressing a need for assistance in selecting a governance structure and in implementing that structure. Our Group also heard suggestions that, upon request, government funds be made available to French-language communities for the hiring of consultants to develop proposals on their behalf.

Our Group believes that the implementation of the recommendations of this report which relate to governance will require a four-phase process:

Phase 1. **Selection**

Based on the parameters and the criteria set by the Minister of Education, a given Franco-Ontarian community, through its elected trustees, selects a structure that, in its view, responds to its French-language education governance needs.

Phase 2. **Submission**

Once a structure has been selected, the Franco-Ontarian community submits a proposal to a body responsible for its review.

Phase 3. **Recommendation**

The proposal is reviewed, in the light of the criteria set by the Minister of Education, and a recommendation is made for its adoption or rejection.

Phase 4. **Implementation**

Once the proposal has been approved by the Minister of Education, the Franco-Ontarian community proceeds with its implementation.

A. Implementation: Provincial Level

In order to coordinate and facilitate the implementation of new French-language education governance structures consistent with the four-phase process described above, our Group believes that some type of mechanism will be required. The members of our Group believe that the most practical and effective mechanism is an implementation commission. We therefore endorse the decision of the Government to establish, in 1991, the French-Language Education Governance Implementation Commission.

Mandate

The terms of reference and the composition of the proposed implementation commission should be as follows: to provide consultative assistance to local Franco-Ontarian communities in the development of a governance proposal based on the criteria adopted by the Minister of Education, recommend to the Minister of Education the acceptance or rejection of the governance request submitted and, where approval to proceed with implementation is granted, provide advisory support to the community concerned.

Roles and Functions

1. Information

Provide information on various structures for the governance of French-language education;

2. Interpretation

Clarify the intent and scope of the various criteria as well as the related legislation;

3. Development

Develop policies and procedures to facilitate the establishment of French-language school boards;

4. Assistance

a. Provide, upon request, consultative services for the development of a proposal to the Minister of Education;

b. Following Ministerial approval of the submission, provide consultative services for its implementation;

5. Evaluation

a. Based on the criteria adopted by the Minister of Education, evaluate each request for approval;

b. Where required, meet with the applicant in order to clarify and/or amend the submission;

6. Recommendation

Recommend to the Minister of Education the adoption or rejection of the request.

Composition

The Commission shall be composed of five members appointed by the Lieutenant-Governor in Council:

- Three members from the French-language community; and
- Two members from the English-language community.

The membership of this committee must represent various parts of the province as well as the Public and Roman Catholic sectors.

Chairperson

The Lieutenant-Governor in Council shall designate a chairperson from among the members of the French-language community on the Commission.

Duration

- The Commission shall be established for a period of three years.
- A Sunset review will be conducted at the end of the three years.

Term of Office

Each member of the Commission shall be appointed by the Lieutenant-Governor in Council for three years.

Remuneration and Expenses

The members of the Commission shall be paid such remuneration and expenses as determined by the Lieutenant-Governor in Council.

Staff and Accommodations

The Ministry shall provide the Commission with:

a. A Secretariat consisting of the following full-time employees:

- one executive director
- one executive assistant
- one typist/receptionist

b. Education officers (two person-years)

c. A budgetary allocation for additional resources as required

d. Accommodation as the Minister of Education considers necessary for the purposes of the Commission

We recommend:

33. That the French-Language Education Governance Implementation Commission to be established in 1991, as previously determined by the Minister of Education, have the mandate and composition described in this report.

B. Implementation: Local Level

The particular nature of each community must be respected. [1]

Local Franco-Ontarian communities will require assistance in order to plan for, and implement, the most appropriate French-language education governance structure. The adoption of a model should be the result of an in-depth analysis of the implications related to such a decision. Planning will require the

---

[1] Source: Brief submitted by the Société des professeurs universitaires de l'Ontario (section du moyen-nord); unofficial translation

co-ordination of all resources available either locally or through an external agency. Similar resources will be required for implementation once the application for a French-language governance structure is sanctioned by the Minister of Education.

During the consultations, our Group was made aware of some difficulties faced by the French-Language School Board in Ottawa-Carleton in its initial stages. We understand these were due in part to the lack of continuity between the trustees who made decisions prior to the establishment of the board and the trustees elected to govern the new Board as well as legislation that gave trustees the right to review such decisions.

Our Group believes that a local planning and implementation committee should be established to facilitate the planning and implementation of a French-language education governance structure and to provide continuity. Throughout the planning process, this committee should co-operate with impact committees representing English-language communities.

We recommend:

34. That local planning and implementation committees be established wherever new French-language education governance structures are considered;

35. That the local planning and implementation committees be mandated to plan for the creation of French-language local or area school boards, to implement the chosen governance structure and to provide continuity;

36. That the local planning and implementation committees be composed of:

a) The trustees elected for the governance of French-language education;

b) The members of the French-language Advisory committee;

c) where neither (a) nor (b) above exist, representatives elected by the Franco-Ontarian community through a process initiated by the French-Language Education Governance Implementation Commission; and

37. **That the local planning and implementation committees consult with their respective local impact committees during the planning process.**

CHAPTER VII

Dispute Resolution Mechanisms

> It is the belief of the trustees (of the board) that very clear procedures and guidelines will have to be established with well-trained third party mediators available upon request.
>
> Protracted litigation through the courts uses up valuable resources and does not serve, in our view, the benefits of the Ministry, the boards, the students or the ratepayers. [1]

The establishment of new French-language school boards will require negotiations for the apportionment of current assets and liabilities between the new boards and existing boards. Our Group expects that goodwill and co-operation will characterize the negotiations. However, it is possible that, in some instances, the parties may require external assistance.

In Ontario, a number of initiatives have led to the establishment of dispute resolution mechanisms. Some examples include:

- The Languages of Instruction Commission of Ontario (Sections 274 to 277 (b) of the ***Education Act***)
- Special Education Tribunals (Sections 34 to 36 of the ***Education Act***) (*Bill 82*)
- The Planning and Implementation Commission for the Extension of Secondary School Education Under Separate School Boards (Sections 136r to 136y of the ***Education Act***) (*Bill 30*)
- ***An Act to Establish a French-language School Board for the Regional Municipality of Ottawa-Carleton*** (*Bill 109*)

Our Group believes there is a need to institute a dispute resolution mechanism that includes mediation and arbitration, to help resolve disputes arising from the establishment of the new governance structures.

---

[1] Source: Brief submitted by The Durham Region Roman Catholic Separate School Board

We recommend:

38. **That the Minister of Education establish a dispute resolution mechanism that provides for mediation and binding arbitration to resolve disputes that could arise from the creation of French-language school boards.**

CHAPTER VIII

Key Components in the Establishment of French-Language School Boards

Having stated, as clearly and concisely as possible, the foundations for French-language governance in Ontario and having recommended some specific governance structures, our Group is convinced that the success of any structure will depend on the effectiveness of its implementation.

The implementation of French-language school boards will require determination, commitment, co-operation, and a certain level of consensus on the part of local communities. A number of key areas will require the attention of all those concerned with the creation of the new governance structures.

This part of the report addresses these key components: the right to attend, programs and services, facilities, transportation, financial resources, and personnel.

1. Right to Attend

> That the present legislation which authorizes the establishment of an Admissions' Committee for the admission of non-francophones to French-language schools be amended to satisfy the aspirations of non-resident French-speaking persons or ratepayers. [1]

Our Group is concerned with the fact that some French-speaking persons, newly arrived in Canada and in Ontario, do not have automatic access to French-language education since they do not meet the criteria of Section 23 of the ***Charter***.

Under Section 23, French-speaking persons have the right to have their children receive elementary and secondary school instruction in French if they are Canadian citizens, and

(a) their first language learned and still understood is French, or

(b) they received their primary school instruction in Canada in French, or

(c) they have a child who has received or is receiving primary or secondary school instruction in French in Canada.

---

[1] Source: Brief submitted by the Sault Ste. Marie District Roman Catholic Separate School Board

Based on the parameters of Section 23, the Ministry of Education has adopted the following definition of a French-speaking person:

> "French-speaking person" means a child of a person who has the right under subsection 23 (1) or (2) without regard to subsection (3) of the ***Canadian Charter of Rights and Freedoms*** to have instruction in the French language in Ontario.

Under the definition stated above, the following individuals, who are French-speaking, are denied automatic access to a French-language school:

(a) non-citizens;

(b) those who did not learn French as a first language but learned French before English; and

(c) Canadian citizens who are not French-speaking but whose children attended or are attending a school outside Canada in which French is the language of instruction.

The admission of these individuals to French-language schools and classes in Ontario is subject to the approval of an Admissions Committee. The composition and mandate of these committees is specified in the ***Education Act***.

Our Group recognizes that the opinions of the Franco-Ontarian community are divided on this question. We believe, however, that, regardless of their country of origin, French-speaking persons who select French as their official language in Canada should have the right to attend a French-language school. Moreover, once a child has been admitted to a French-language school, his parents should be allowed, as set out in the judgment rendered in the ***Reference Case***, to participate in the management and control of the education provided in that school.

We appreciate the seriousness of the matter of the right to attend and consider that this critical issue requires additional attention.

Our Group believes that, until the definition of a French-speaking person has been reviewed, all non-right holders have access to French-language instruction subject to the approval of an admissions committee.

We have considered the issue of open access and are satisfied with the current provisions of the ***Education Act*** in this regard.

We recommend:

39. **That the Ministry of Education establish at the earliest convenience a task group to review the current definition of "French-speaking person" in Section 257 (a) of the *Education Act*; and**

40. **That, until the current definition of "French-speaking person" in section 257 (a) of the *Education Act* has been reviewed, the admission of all non-right holders be subject to the approval of the admissions committees.**

2. Programs and Services

> ... the quality of education and services in the French language must be equal or equivalent to the quality of education of the majority. [1]

In implementing the new structures, particular attention should be given to programs and services that provide a quality French-language education at least equivalent to that offered in the coterminous English-language school boards. Access to such programs and services in an ambiance that supports the French language and culture is essential.

We endorse the position stated in the master plan for Franco-Ontarian education prepared by the Council for Franco-Ontarian Education:

> **.... the scope of Franco-Ontarian education must extend beyond general educational objectives if it is to adapt itself to the peculiarities of the community it serves, hence meet its needs. Therefore, it must:**
>
> - **communicate to those students French-language cultural and linguistic knowledge;**
> - **enhance their status as members of the Franco-Ontarian community;**
> - **encourage them to develop their full potential within their community;**
> - **urge them to take part in the development of that community in the political as well as economic, social and scientific fields.** [2]

---

1 Source: Brief submitted by the Section de langue française du Conseil de l'éducation de Michipicoten; unofficial translation

2 Unofficial translation

A. Programs

> Programs in the French-language instructional unit of a school board must offer a complete range of courses. [1]

It is important that the programs developed for use in French-language schools contribute to the promotion and enhancement of the French language and culture. In addition, the ambiance in which these programs are offered should reflect the spirit of Section 23 of the ***Charter***. Consequently a French-language school board must ensure that the programs as well as the atmosphere of the school are consistent with the aims of French-language education.

Over the years, great efforts have been made to meet the educational needs of all students in French-language schools. Not all students who have the right to attend a French-language school do in fact attend. According to Statistics Canada, 1986 Census, there were in Ontario 135,612 pupils aged 6-17 eligible to attend French-language schools. However, there were only 72,555 or 52.5% of the pupils from that eligible student population enrolled in French-language schools. Our Group is greatly concerned with the discrepancy existing between the number of children eligible to enrol in French-language schools and the number of children who actually enrol in these schools. French-language school boards could attract many of the missing pupils if there were a greater variety of programs and if these programs were more accessible.

The program delivery issue as well as enrolment are particularly critical at the secondary school level given the limited number of pupils, the specialized nature of some of the programs, and the required equipment.

Furthermore, an increasing number of new Canadians are enrolling their children in French-language schools. In some cases these new students have limited ability in the French language. It is incumbent upon the French-language school boards to establish programs for the development of proficiency in the French language, either through direct offering or through purchase. To assist in fulfilling this responsibility, the Ministry of Education has identified a number of program delivery approaches in documents such as ***Ontario Schools: Intermediate/Senior Divisions***.

---

[1] Source: Brief submitted by the Association des surintendantes et des surintendants franco-ontariens; unofficial translation

We believe that access to programs should not depend on geography and family wealth. We also believe that the Ministry of Education should be in a position to assess and put to use any new technological development that would facilitate the provision of education in demographically sparse and geographically isolated areas.

We support the Ministry of Education in its endeavour to develop resource documents geared specifically to the modes of delivery of French-language programs from Kindergarten to the Ontario Academic Courses.

B. Services

> The major difficulty faced by those who seek to provide educational services to Francophones living in vast regions of Ontario is, among others, the size of the territory and the low density of the population. [1]

Programs alone cannot guarantee that the education provided to the French-language population will be equivalent to that offered to the English-language population. A variety of services will be required to assist personnel of school boards in delivering quality programs.

i) Student Services

The provision of student services is the responsibility of school boards; they must respond to a great variety of needs that require specialized personnel and a substantial investment of dollars.

> "The school must be seen as a key participant in any system of supports and services for children." [2]

This statement is particularly true of the French-language schools because of their strategic location in the community especially in geographically isolated and demographically sparse areas. However, many French-language schools face serious difficulty in fulfilling their responsibilities

---

[1] Source: Brief submitted by the Association des professeurs francophones des collèges ontariens; unofficial translation

[2] Source: Children First: Report of The Advisory Committee on Children's Services. p. 57

due to the shortage of qualified specialized staff and the lack of print and non-print materials in the French language.

The French-Language Consultative Services of the Ministry of Education and the Integrated Services for Northern Children (sponsored jointly by the Ministries of Education, Community and Social Services and Health) provide some valuable assistance in this regard. However, the demand for French-language student services far exceeds the supply of qualified French-speaking personnel, especially in some parts of the province.

French-language courses and programs for the training of professionals in health, social services, and learning disabilities are critically lacking in the province of Ontario. It is the view of our Group that the Ministry of Education should discuss with other concerned Ministries the establishment of appropriate additional training opportunities in this regard.

ii) ***Animation Culturelle***

> *Animation culturelle* must be at the forefront of any consideration for the restructuring of our educational system ... [1]

Animation culturelle is one service particular to the French-language schools, yet vital if we are to respect one of the purposes of Section 23 of the ***Charter*** as applied to the Province of Ontario: the promotion and preservation of the French language and culture.

The dictionary defines *animation culturelle* as "behaviourial methods of a group that favours the integration and participation of its members in community life." The document ***L'école : un lieu ou un milieu?*** states the aims of *animation culturelle*:

- **to create in the school a pleasant atmosphere;**
- **to favour the full development of French culture within the school;**

---

[1] Source: Brief submitted by the Fédération des élèves du secondaire franco-ontarien; unofficial translation

- **to encourage pupils to express their French-language cultural identity within the school and within the community;**

- **to facilitate access to the French-language cultural wealth offered by the milieu;**

- **to favour the development of *animation culturelle* at the school, board, and provincial levels** [1]

Our Group is pleased to note that the Ministry of Education has recognized the importance of *animation culturelle* within French-language schools. Three members of the French-Language Consultative Services of the Ministry are currently responsible for this portfolio and one education officer in the central office of the Ministry is in the process of developing a resource document for use in Ontario schools.

We trust that this commitment will continue and we urge the Ministry to encourage all French-language school boards and sections to be responsive to the need for *animation culturelle* within each school.

iii) Program Development Support Services

The Ministry of Education provides program policies that school boards follow in order to provide programs at the local level. School boards may develop their own programs or may acquire them from another board. In most instances, the documents, if acquired, need to be adapted to local situations.

The development and the adaptation of programs and courses of study is difficult for many French-language schools because of the limited human resources of the board for curriculum development. The Ministry of Education provides some assistance through the French-language Consultative Services and the *Centre franco-ontarien de ressources pédagogiques*. This *Centre* is an important source of documentation for teachers. As well, it should be noted that subject councils, particularly in Northern Ontario, provide valuable co-operative assistance in this regard.

Our Group urges the Ministry of Education to continue to provide assistance through the French-Language Consultative Services and through grants to the *Centre franco-ontarien de ressources pédagogiques*.

---

[1] Unofficial translation

iv) Professional Development

> Activities (seminars, conferences) aimed at fostering the professional development of teachers are very costly by reason of the distances involved and the small number of teachers concerned in each French-language instructional unit. [1]

Because of the limited access to qualified personnel, particularly in the more isolated parts of the province, the only alternative in providing some level of student services is through the in-servicing of available personnel. This responsibility lies almost exclusively with school boards.

It is unrealistic to expect school boards in some parts of the province to meet such a responsibility because of the lack of personnel to provide the in-service training and the substantial expenditure in making such sessions available. At the present time, the French Language Consultative Services of the Ministry provide some assistance. However, most school boards are often on their own in providing any training to their personnel.

Given the limited resources of many school boards, we stress the need for the Ministry of Education to assist with the professional development of board personnel.

v) Supervisory Services

Every school board of the province must provide for the supervision of its organization, personnel, programs, services, and facilities.

Most school boards fulfil their obligations by hiring supervisory officers, while others, with a limited student enrolment, sometimes contract for such services. Some school boards find it difficult to attract certified French-speaking supervisory officers. This problem is further aggravated by the fact that the Ministry of Education is no longer providing supervisory services through its regional offices.

In order for small school boards to acquire the mandated supervisory services, we encourage the Ministry of Education to continue its financial

---

[1] Source: Brief submitted by the Comité régional pour l'éducation en langue française : nord-ouest de l'Ontario; unofficial translation

assistance through the *GLG's*. In addition, we strongly recommend co-operative efforts between boards to address this problem.

vi) Co-operative Services Centres

> Let the Ministry of Education establish a French-language Co-operative Services Unit which, by nature, would be equivalent to the existing Umfreville model and would have as a mandate the provision and co-ordination of services required by French-language school boards. [1]

French-language school boards will require assistance if they are to assume all their responsibilities related to programs and services. At the present time the French Language Consultative Services provide much needed and appreciated help. In the Northwestern Ontario Region, the Umfreville District Area Board provides assistance to the Northwestern school boards in the area of programs and services. Established in 1977, this unit was intended to provide school management and financial services to several "isolate" school boards in Northwestern Ontario. Since then, the number of clients has increased and the services now include: Business and Accounting, Territorial Student Program, Educational Consultants Program, Professional Development Program, Supervisory Officer Program, and Capital Program.

It is also worth noting that, in the United States, many school boards and school jurisdictions have formed co-operative agencies for the delivery of a wide range of educational services, particularly in rural and remote areas. These agencies are usually referred to as Boards of Co-operative Educational Services (BOCES).

BOCES are voluntary, co-operative associations of school districts in a geographic area that have pooled their resources to provide educational or business services more economically than each could offer by itself. They are organized under state education laws. Their services focus on providing education for handicapped students, vocational education, academic and alternative programs, summer schools, staff development, computer services (management and instructional), educational communications, and co-operative purchasing. School districts in most of the States participate in a BOCES.

---

[1] Source: Brief submitted by the Comité aviseur des directrices et directeurs des écoles françaises du Nord-ouest; unofficial translation

Our Group believes that service units such as Umfreville and BOCES have great potential in providing much required assistance to French-language school boards across the province.

We recommend:

41. **That the Ministry of Education establish at least four regional French-language co-operative educational services agencies, two for Northern Ontario and two for Southern Ontario to offer services, on a cost recovery basis, in areas such as pedagogy, student services, supervision, and professional development;**

42. **That the Ministry of Education secure access to any new technological development that could lower the cost and facilitate the provision of education in demographically sparse and geographically isolated areas; and**

43. **That the Ministry of Education discuss and collaborate with other appropriate Ministries concerning the establishment of additional French-language programs and courses for the training of professionals in health, social services, and learning disabilities.**

3. Personnel

> The principle of acquired rights is the most fundamental principle to be observed when it comes to transfers made necessary by the implementation of new structures. Employees should not be penalized because of changes for which they are not responsible. [1]

During the consultation process a number of teachers' associations and their local affiliates expressed their support for the creation of French-language school boards and their desire to be involved in the implementation of these new boards. The following excerpt from the brief of the Ontario Secondary School Teachers' Federation is typical of the comments heard: "In our brief to the standing Committee on *Bill 12* .... we stated that we favoured the creation of French-language boards with one very necessary proviso -- the need for consultation with employee groups."

Our Group was reminded on several occasions that some employees now working in the French-language instructional units of existing boards may prefer not to transfer to

---

[1] Source: Brief submitted by the Association des enseignantes et des enseignants franco-ontariens; unofficial translation

the new French-language boards. On the other hand, there may be employees not currently working in French-language instructional units who will wish to transfer. We recognize that conditions will vary widely from place to place, but believe every effort should be made to accommodate these employees.

Section 136 of the ***Education Act*** deals with teachers transferred as a consequence of the completion of the Separate School System (*Bill 30*), and outlines specific conditions with respect to salary, seniority, probationary or permanent status, the transfer of sick leave credits, payments upon termination of employment, and the resolution of disputes. In addition *Part XIII of Bill 109* as well as the ***Agreement for the Creation of a Roman Catholic French-Language Separate School Board in Prescott-Russell*** deal with the above components related to the transfer of employees.

Furthermore, most employee groups have a collective agreement or understanding with their individual boards and each of these agreements and understandings outlines a unique relationship and commitment. As a result, the contents of these agreements are different from one board to the other.

Since conditions vary so widely, precise rules covering every circumstance resulting from the transfer of staff members are difficult to enunciate, but with appropriate amendments to the ***Education Act***, the conditions outlined in section 136 and in *Bill 109* could apply to the transfer of staff members affected by the creation of new French-language school boards. The provincial federations, associations, and unions that represent the various employee groups should be involved in the drafting of appropriate legislation.

Our Group recognizes the critical role played by staff in the implementation of a new school board. Staff of existing boards must be participants in the discussions regarding the possible formation of any new board, and the new board must establish with the staff procedures for their fair and orderly transfer. Staffing problems should be resolved by those directly involved.

Although school boards must retain their linguistic and denominational rights with respect to the hiring and the transfer of staff, no staff member should lose a job as a direct result of the creation of a new school board and the acquired rights and status of each staff member must be preserved.

We recommend:

44. That the French-Language Education Governance Implementation Commission, in co-operation with provincial federations, associations, and unions representing employee groups, establish policies and procedures for the transfer to the new French-language school boards of teaching and support staff employed in French-language instructional units of existing boards.

4. Facilities

A. Transfer of School Sites and Buildings

The creation of new French-language school boards will involve the transfer of school sites and buildings currently used for the education of French-language students.

This issue of the transfer of property was addressed when the French-Language School Board was established in Ottawa-Carleton. *Bill 109* mandated that any real property of the Ottawa Board of Education, the Carleton Board of Education, the Ottawa Roman Catholic Separate School Board, or the Carleton Roman Catholic Separate School Board that on the 31st day of January, 1988 was a school site used by a French-language instructional unit be transferred to the Ottawa-Carleton French-language Board on the 1st day of January, 1989. Also transferred was any equipment in use in the schools at the time of transfer and any outstanding debts on the transferred property. Similar provisions were included in the Ministry ***Agreement for the Creation of the Roman Catholic French-Language Separate School Board in Prescott-Russell***.

Our Group believes that school facilities which have been provided for the education of French-language students should continue to be used for that purpose. The transfer process should include furniture and equipment, sites and school buildings, and any outstanding debts on those facilities that are transferred. Sites and buildings not actually being used by resident students should be considered among the assets to be divided. However, the value of each site and school building need not be determined in order to allocate a fair share to each language group.

We recommend:

45. That any real property that, on the 31st day of January of the year preceding the establishment of a new French-language school board was a school site or building used by a French-language instructional unit, be transferred to the French-language school board; and

46. **That the use and disposition of any school site or building in use by both French-language students who will become the responsibility of the new board and English-language students who will remain the responsibility of the current board be addressed by the Implementation Commission in its report to the Minister of Education.**

B. Provision of school sites and buildings

> The school must be at the service of the student and .... the Franco-Ontarian student .... must be given easy access to equipment and the possibility of using facilities in which he or she feels at home. [1]

The provision of quality educational programs implies the availability of adequate facilities for French-language students in a milieu conducive to the fulfilment of their cultural and linguistic aspirations.

At the present time some French-language schools are on temporary sites and are without specialized classrooms, resource centres, or gymnasia. Where French-language schools are without specialized classrooms (i.e. Industrial Arts, Family Studies, etc.), provision is made to bus students to another school in order for the program to be offered. In many instances, however, the programs are taught in English. In addition, some French-language schools are located within English-language schools and share facilities with English-language students.

It was frequently mentioned during the consultation process that the practice of having French-speaking students share facilities with English-speaking students encourages assimilation, particularly in areas where the French-speaking people are the minority. This practice is, in the opinion of the Advisory Group, detrimental to the maintenance of the language and culture of the Franco-Ontarian community.

French-language school boards must therefore have access to those facilities required to ensure the provision of French-language programs and services that are equivalent in quality and scope to those provided to English-speaking pupils in coterminous boards.

In many cases, the new French-language school boards will require school facilities beyond those transferred by the existing boards.

---

[1] Source: Brief submitted by the Fédération des élèves du secondaire franco-ontarien; unofficial translation

We do not believe that the current structure of the ***Capital Grant Plan*** addresses effectively the distinctive nature of the capital needs of the Franco-Ontarian community. This problem will be particularly acute with the establishment of new French-language school boards that will require new school facilities.

The members of the Advisory Group believe that the location and accessibility of French-language elementary schools are critical issues that must be addressed. Unless the French-language elementary school is located within a reasonable travel distance of the residence of the pupils, a significant number of parents enrol their children in the more accessible English-language school, thus leading to the assimilation of the French-speaking pupils. We realize that finding a solution to such a problem is complex and difficult, particularly because of the sparsity of the population and the geographic isolation in some localities. However, we suggest that the distance factor be given more attention by boards and the Ministry when priorities are set for capital projects.

Given the sparsity of the French-speaking population in some parts of the province, the same geographical area may be served by three or four English-language secondary schools, but by only one French-language secondary school. Such regional French-language schools should be composite in nature and should house the specialized facilities required to offer programs equivalent to those offered to the English-language students in the coterminous board.

The need for these facilities must be recognized in the ***Capital Grant Plan*** even where the established enrolment criteria cannot be met.

Many Franco-Ontarian communities have a small assessment base, and this could pose a serious problem in covering the local share of the cost of new schools. The lot levy program of the Ministry was introduced to enable school boards to acquire from builders of new homes additional funds to be used for the construction of new schools. While these funds could help with the local share of the cost of new school construction, the lot levy program is of limited use to the Franco-Ontarian community since the shortage of facilities for French-language education is generally not the result of new development.

The Advisory Group maintains that the Ministry of Education through its debenture assistance program should provide additional support to the Franco-Ontarian community to avoid an unfair burden on the local population.

i) *Centres Scolaires Communautaires*

> In our community, a multi-service *centre scolaire communautaire* appears to be a key element to be focused upon and wished for. [1]

The Report of the Advisory Committee on Children's Services: ***Children First*** highlights the value of the school as a major focal point of a system of support and services to children and their families. "There must be a single major physical centre that operates as a hub of services for children within each community. Where possible, the school should be this centre for service provision." [2]

It has long been recognized that in many Franco-Ontarian communities the local school is the community as well as the educational centre. In many instances, it is the only facility available. Due to the lack of other facilities, the school is often used as a cultural, social, recreational and religious centre.

During the consultation process many suggested that the establishment of multi-use facilities would be most effective in preserving the French language and culture. Francophone parents in Sault Ste. Marie, London, and Kingston, for instance, suggested that the various ministries with responsibility for the provision of French-language services should collaborate in the establishment of multi-use community centres that would include a French-language elementary and perhaps a secondary school. The Centre need not be one single building but could be a number of existing or new structures on neighbouring land, operated by a Board chosen by the Franco-Ontarian community. The critical element is that there be one centre designated as the "hub" of services with which the Franco-Ontarian community can identify.

Where such centres are currently operating, they serve as catalysts for the provision of a number of services such as libraries, parish centres, day care centres, family resource centres, before and after school programs, summer programs, and seniors programs.

---

[1] Source: Brief submitted by the Section de langue française du Conseil des écoles séparées catholiques romaines des comtés de Frontenac-Lennox et Addington; unofficial translation

[2] Source: Children First, p. 59

The Minister of Education recently announced that funds have been set aside for the construction of projects that would be multi-use in nature. The Advisory Group hopes that the proposed *centres scolaires communautaires* meet the funding criteria established by the Ministry for joint-use projects.

ii) Child Care Centres

> That the Ministry adopt a partnership plan with other concerned Ministries to ensure the construction of child care centres adjoining those schools, keeping in mind the demographic reality and the needs of the Francophone community. [1]

Child care centres play a significant role in the development of young children. It is at this early age that children are more adaptable and more easily influenced. The rate of assimilation of a child is directly proportional to his exposure to the English language on a regular basis. The language of communication within a centre thus becomes a critical issue if the concept of the preservation of language and culture is to be respected.

Although space for child-care centres is provided by the Ministry of Education when new schools are approved, steps must be taken so that adequate space for the establishment of child-care services is provided in areas where no new construction is planned. The Advisory Committee on Children's Services supports having child-care facilities within local school buildings. "The current policy of locating child-care centres in new schools is an important step ... but it should be expanded to include existing schools." [2]

Our Group recognizes that the responsibility for the provision of child-care is shared by other ministries, yet we believe that the Ministry of Education can play a leading role in the allocation of space.

The master plan for Franco-Ontarian Education prepared by the Council for Franco-Ontarian Education endorses the need for child-care services in

---

[1] Source: Brief submitted by the Section de langue française du Conseil de l'éducation de la ville de London; unofficial translation

[2] Source: Children First, p. 71

French: **"it is imperative that French-language day care be available and accessible everywhere throughout the province."** [1]

Since there are so few privately operated French-language child-care centres it is important that publicly-funded institutions be made available and French-language school boards and sections must be participants in the establishment of such centres.

We recommend:

47. **That the Minister of Education set aside additional capital funds to be used for the provision of French-language education, where the number of French-speaking students warrants appropriate accommodation, the construction of specialized facilities, and the elimination of mixed schools;**

48. **That the Ministry of Education pay particular attention to the distance between a French-language school and the residences of the pupils when setting the priorities for the allocation of capital funds;**

49. **That the debenture assistance program of the Ministry be amended to provide a greater level of assistance in instances where the assessment base for the local share of capital projects is small;**

50. **That the Ministry of Education study the possibility of providing, in co-operation with other provincial ministries and the federal government, financial assistance for the establishment of *centres scolaires communautaires* that would include a French-language elementary and perhaps a secondary school; and**

51. **That the Ministry of Education collaborate with other ministries in the establishment of French-language child-care facilities where needed.**

C. Transfer of Other Facilities

The new French-language school boards will require facilities and equipment for the administration, coordination, and supervision of French-language education.

French-speaking ratepayers, who become part of new boards, are entitled to a share of the assets of the board to which they currently belong and that share

---

[1] Source: Plan directeur de l'éducation franco-ontarienne, p. 3; unofficial translation

should be commensurate with the contribution made to that board by the French-speaking ratepayers.

The transfer of board offices and their contents raises a particular concern. In most cases the section does not have available the cash equivalent to even a small portion of the value of the building or there are no assets available since the premises are leased; at times there are even debentures on the buildings.

Our Group is unable to recommend a formula that will address such a variety of circumstances. It can only urge the parties involved to include the existing administration facilities and equipment in their discussions about the division of assets and suggest that, in some cases, it might be appropriate to consider the transfer of additional buildings and other assets in lieu of administrative facilities. Such discussions should include any school site or building not used by a French-language instructional unit or an English-language instructional unit. We expect that the French-Language Education Governance Implementation Commission will provide guidelines to govern transfers, taking into consideration local circumstances.

We recommend:

52. That the French-Language Education Governance Implementation Commission establish policies and procedures for the fair and equitable transfer of the facilities of the existing boards to the new French-language boards.

D. Provision of Other Facilities

> In proportion to their number, part of these assets (administrative facilities) was paid for with taxes collected from French-speaking ratepayers ... therefore, they are entitled to a certain proportion of the assets of each school board. [1]

Funding for the board office facilities, furniture, and equipment required by the newly established French-language school boards will require co-operation amongst the original school board, the Ministry of Education, and the ratepayers of the new boards.

---

[1] Source: Brief submitted by the Comité des citoyens et des citoyennes : Conseil scolaire de langue française; Stormont, Dundas, et Glengarry; unofficial translation

The present policies of the Ministry of Education do not allow for the provision of provincial grants for administrative buildings or other board office facilities. However, when the French-Language School Board was established in Ottawa-Carleton, the Ministry of Education deemed it necessary to provide financial assistance for furniture, office supplies, and equipment. The agreement drawn up for the establishment of the Roman Catholic French-Language Separate School Board in Prescott-Russell also contains similar provisions.

In all probability, newly created French-language school boards will have very limited funds for the acquisition of board offices, furniture, and equipment. In addition, the tax base of new French-language boards will often be so small that it will be impossible for local ratepayers to provide a board office and its equipment without suffering an unrealistic tax burden. It is the opinion of the Advisory Group that, if no assistance is given to provide access to such facilities, the intent of Section 23 of the ***Charter*** would be breached. Financial assistance from the Ministry is, therefore, warranted and appropriate.

The transfer of facilities, furniture, and equipment from the existing school boards may provide some assistance but, since many of the boards with French-language sections are separate school boards, and separate boards are known to have a critical shortage of facilities and funds, that assistance will be rather limited.

The Supreme Court ruling in the ***Mahe Case*** made it clear that Section 23 intends that French-speaking parents manage and control the educational facilities in which their children are taught. In this province the management and control of education is exercised in local board offices. It is the opinion of the Advisory Group that the new French-language boards have the right to those facilities that are required to enable them to exercise that management and control and to meet the responsibilities of school boards outlined in the ***Education Act***.

We recommend:

53. **That the Ministry of Education review its policies with a view to ensuring that the new French-language school boards have access to facilities, furniture, and equipment for the administration, coordination, and supervision of French-language education; and**

54. **That any request to the Minister of Education for the creation of a French-language school board include an action plan describing the contribution required from concerned parties – the original board, the new board and the Ministry of Education – in providing facilities, furniture, and equipment.**

5. Transportation

> Transportation is the lifeline of French-language schools within the Metropolitan Separate School board since the entire metropolitan area is serviced by a limited number of schools. [1]

During the consultation process, many interveners stressed the importance of adequate transportation for pupils in French-language schools and such factors as the high cost involved because of the large size of some of the areas, the sparsity of population and the time in transit.

The following extract from the brief submitted by the Metropolitan Separate School Board summarizes the main concerns:

> "The Ministry of Education has acknowledged 'the need for transportation is a function of demographics and geography (elements that are beyond the school boards' control).' Demographics are not only different among school boards but also within boards where there are currently English and French sections of the board. Within the Metropolitan Separate School Board the sparser density of French-language pupils translates into fewer facilities, greater distances, longer time in transit, unique service requirements such as the need to rely heavily on the use of vans, and to date, higher costs.
>
> The Ministry of Education's approved cost for 18 passenger vans is about 33% less than the approved cost for the larger buses transporting 67-72 passengers. As a result, the unavoidable requirement to use vans results in tremendously higher costs to the Board for French students in comparison with the costs of transporting English-language pupils." [1]

The Ministry of Education policy on transportation sets out conditions under which transportation expenditures are eligible for grants as per section 166 of the ***Education Act***. Transportation is not a mandatory service, except in certain instances (eg, sections 258 and 261 of the ***Education Act***).

The Ministry of Education uses an approval mechanism to determine the amount of transportation expenditure it is prepared to recognize for grant purposes. The funding for this approved expenditure is a shared responsibility between the school board and the province. Each school board decides on its transportation policy and submits information on the number and size of vehicles used, kilometres travelled and the

---

[1] Source: Brief submitted by the Metropolitan Separate School Board.

occupancy rate of the vehicles. This information is evaluated against various Ministry of Education criteria and an amount is allocated to the board.

The formula used by the Ministry to calculate the amount of grant allocated to school boards has been modified recently. It now includes a density factor based on pupils per square kilometre for each school board. A per pupil grant with inverse relationship to pupil density is then determined and this grant is paid at 100%.

Time will determine whether or not this policy will better assist school boards in providing for the transportation needs of their pupils. It will therefore be incumbent upon the Ministry of Education to assess the effectiveness of its transportation policies.

We recommend:

55. **That the Ministry of Education monitor its transportation funding policy to reflect the particular demographic and geographic situation of the pupils enrolled in French-language schools.**

6. Division of Assets and Liabilities

> One will have to ensure that the division of assets and liabilities is completed before a French-language school board goes into operation. The "onus" of this division should not be borne by Francophones; the Minister will have to play an important role in this matter and see to it that this division is carried out equitably and rapidly. One will have to ensure also that all assets to which we are entitled are assessed fairly and that the Francophones's share will be commensurate with enrolment figures. [1]

The establishment of new French-language school boards should be accompanied by the transfer of an appropriate portion of the assets of the existing boards to the new boards.

Bill 109, which established a French-language School Board in Ottawa-Carleton, mandated that the trustees enter into negotiations ".... to choose the board's assets and reserves to be transferred to the French-language Board ...." and that, if a sector determined that the assets and reserves ".... do not represent an equitable contribution ....," the matter would be referred to the Languages of Instruction Commission of Ontario.

---

[1] Source: Brief submitted by the Association française des conseils scolaires de l'Ontario, régionale #1; unofficial translation

The fact that the majority of French-language students currently attend Roman Catholic schools poses a particular problem in the sharing of assets. The Board of Arbitration appointed under *Bill 109* to resolve the division of assets of the Ottawa Roman Catholic Separate School Board referred to the problem as the " .... division of one under-funded school board into two under-funded school boards ...."

This perception is shared by many and our Group was reminded time and time again, during the consultations, that it will be almost impossible for the new boards to succeed if they are required to begin with a deficit accumulated by the existing boards. We believe, nonetheless, that fairness dictates that the French-speaking ratepayers should share in the obligation to cover any left-over deficit.

Fairness should also dictate that French-speaking ratepayers who become part of new boards are entitled to an equitable share of the assets that have accrued to the boards they have supported over the years, and that share should be commensurate with the contribution made to those boards by the French-speaking ratepayers.

Because of the variety of local conditions, we believe that the Implementation Commission would be the most appropriate body to develop policies for the division of assets and liabilities.

We recommend:

56. That the French-Language Education Governance Implementation Commission establish policies and procedures for the fair and equitable transfer of the assets and liabilities of the existing boards to the new French-language school boards.

7. Continuous Liaison

> ... if two francophone sections, one public and one separate, decided to band together to share those parts of curricular material, professional development, administrative personnel or any other services, they should be free, indeed encouraged, to do so. [1]

On numerous occasions, the Minister of Education has encouraged school boards to co-operate in offering programs and services. Such co-operation is necessary where the provision of programs and services is expensive and requires special facilities and equipment.

---

[1] Source: Brief submitted by the Ontario Secondary School Teachers' Federation

The Ministry of Education, through its policies, has suggested ways and means to school boards in order to facilitate the development of networks amongst school boards and with the community. For example, liaison committees made possible by *Bill 75* have played a useful role in their advisory capacity, helping various French-language sections improve the provision of French-language education.

Section 277r (1) and (2) of the ***Education Act*** allows two or more French-language sections of school boards to jointly establish a liaison committee known as a "regional committee for French-language education." The mandate of such a committee is to consider and make recommendations to the sections on any matter that affects French-language education.

On some occasions, the Ministry of Education has also provided incentives enhancing co-operative endeavours. The announcement of the Minister concerning joint capital projects is the most recent example.

The creation of French-language school boards further emphasizes the need for co-operation and sharing. It is imperative that all concerned with the provision of French-language educational programs and services collaborate to ensure quality, universal access, and optimum use of financial resources.

We support the Minister of Education in her endeavour to encourage and enhance the development of networks that will foster co-operation among all partners with vested interest in education.

We recommend:

57. **That the Minister of Education encourage the establishment of liaison committees in order to facilitate the consideration of any matter affecting French-language education and to make recommendations to those responsible for the provision of such an education.**

Conclusion

We, the members of the French-Language Education Governance Advisory Group, are proud to make recommendations toward the fulfilment of the aspirations of Franco-Ontarians for governance of French-language education. It is our hope that the implementation of these recommendations will alleviate the current difficulties and frustrations associated with the provision of French-language education in this province.

Our group now looks to the future, entertaining a vision of a province where all French-speaking learners are given the opportunity and encouraged to develop their full potential within schools under the complete management and control of Franco-Ontarians: schools that are true community centres where staff, students, space, time dimensions, relationships, teaching, programs, services, and activities all blend to create an atmosphere conducive to the maintenance and enhancement of the Franco-Ontarian language and culture.

The vision is one of a province in which educators, Anglophone and Francophone, Catholic and non-Catholic, share a common purpose: the development of each individual's full potential. That vision is also one of a province where education is funded fairly and equitably for all, where all groups co-operate for the benefit of education in Ontario as a whole, and where mutual understanding facilitates the governance of French-language education by Franco-Ontarians.

This has been a long-cherished dream of the Francophones of Ontario. It is our fervent hope that this report will contribute to make this dream a reality.

Summary of Recommendations

1. That any French-language education governance structure respect the acquired denominational rights guaranteed under Section 93 of the *British North America Act.*

2. That the Minister of Education establish by 1994 up to two French-language regional school boards in each of the six regions of the Ontario Ministry of Education: one French-language regional Roman Catholic separate school board and one French-language regional board of education.

3. That the jurisdiction of a French-language regional school board be divided into a sufficient number of electoral areas to guarantee fair representation of the population concerned.

4. That the Minister of Education establish French-language area school boards subject to the following criteria:

   a) the proposed area school board must have a resident day school population of 1,500 or more in two or more school board jurisdictions; in special circumstances, conditions such as geography and sparsity of population may warrant consideration in jurisdictions where there are fewer than 1,500 resident day school pupils;

   b) the geographical boundaries of an area school board must cover the entire area of each participating school board; and

   c) the proposed area school board must be able to provide education in the French language ranging from Kindergarten to the completion of the Ontario Secondary School Diploma; and

   d) the French-speaking trustees concerned must submit, for approval to the Minister of Education, a plan requesting the establishment of a French-language area school board that includes a reference to the impact which the board would have on the coterminous English-language school board and on the proposed French-language regional board.

5. That the jurisdiction of the French-language area school board be divided into a sufficient number of electoral areas to guarantee a fair representation of the communities involved.

6. That the Ministry of Education permit the establishment of French-language local school boards if the following criteria are met:

   a) the proposed local school board must have a resident day school population of 1,500 or more in one school board jurisdiction; in special circumstances, conditions such as geography and sparsity of population may warrant consideration in jurisdictions where there are fewer than 1,500 resident day school pupils;

   b) the geographical boundaries of the new French-language local school board must be the same as that of the existing local school board from which it originates; and

   c) the proposed local school board must be able to provide education ranging from Kindergarten to the completion of the Ontario Secondary School Diploma; and

   d) the French-speaking trustees concerned must submit, for approval to the Minister of Education, a plan requesting the establishment of a local board that includes a reference to the impact which the board would have on the coterminous English-language school board and on the proposed French-language regional board.

7. That impact committees, consisting primarily of English-speaking trustees of the board, be established where French-language school boards are considered.

8. That the mandate of the impact committees be to assess and address the impact of the establishment of a French-language education governance structure on the resident English-speaking student population in a given coterminous jurisdiction.

9. That, throughout the assessment process, communications be established and maintained between impact committees and their respective local planning and implementation committees.

10. That the trustees of French-language area, regional, and local school boards have all the powers, duties and responsibilities imposed upon trustees of any board in Ontario in accordance with the *Education Act*.

11. That the *Education Act* be amended so that the newly created French-language school boards have exclusive responsibility over French as a first language education in their jurisdiction.

12. That the *Education Act* be amended so that resulting English-language school boards have exclusive responsibility over English as a first language education in their jurisdiction.

13. That the Ministry of Education re-examine Section 206 of the *Education Act* and, in particular, the need for a minimum number of eight trustees, taking into consideration that this number should be more reflective of the number of resident day-school pupils within a board.

14. That a French-language section within a school board continue to exist if such is the wish of the Franco-Ontarian community concerned.

15. That the powers of the French-language sections continue as presently specified in Section 277 of the *Education Act*.

16. That the guaranteed minimum number of trustees for a French-language section remain three.

17. That the Minister of Education amend the *Education Act* to allow a French-language section to increase by one or two the guaranteed minimum number of its trustees without changing the number of the remaining trustees on the school board.

18. That the Minister of Education take the necessary steps to abolish French-language advisory committees as new French-language education governance structures are established in their jurisdiction.

19. That the *Conseil des écoles françaises de la communauté urbaine de Toronto* have the same opportunity as French-language sections to select an alternate form of French-language education governance, if such is the wish of the community it serves.

20. That each sector of the *Conseil scolaire de langue française d'Ottawa-Carleton* be given the same opportunity as French-language sections to select an alternative form of French-language education governance if such is the wish of the community it serves.

21. That the Minister of Education ask the Ministry of Revenue to amend the legislation governing the enumeration process in order to make it compulsory for all individuals in Ontario to identify their school support.

22. **That taxes collected by municipalities for educational purposes and not directed to a particular school board by the ratepayers concerned be pooled coterminously and redistributed in the coterminous boards on a per pupil basis.**

23. **That the relevant legislation be amended to enable co-tenants and co-owners of a residence, and individual members of a couple to assign their educational taxes to any school board they are qualified to support.**

24. **That the Ministry of Education undertake the general restructuring of the funding of education in Ontario.**

25. **That, until the restructuring of the funding of education at the elementary and secondary levels has been completed, the Ministry of Education establish more realistic ceilings.**

26. **That, at the very earliest convenience, the Ministry of Education pool provincially all revenues raised from commercial and industrial assessment and redistribute them on a per pupil basis throughout the province.**

27. **That, until the restructuring of the funding of education has been completed, the revenues raised from assessment in coterminous boards of education jurisdictions with two governance structures (one English, one French) be pooled for redistribution in the coterminous boards on a per pupil basis.**

28. **That, until the restructuring of the funding of education has been completed, the revenues raised from assessment in coterminous Roman Catholic separate school board jurisdictions with two governance structures (one English, one French) be pooled for redistribution in the coterminous boards on a per pupil basis.**

29. **That, until the existing inequities for the funding of education in Ontario have been addressed and corrected, the Ministry of Education provide the required financial support to new French-language school boards by enhancing the funds currently available under the *Grants for French-Language Education Program*.**

30. **That the level of financial support to be provided by the Ministry of Education be determined prior to the establishment of every new French-language school board.**

31. That the Ministry of Education provide interim funding to ensure that French-language school boards can, without undue burden on their ratepayers, offer their students an education which is

- equal to that offered to their students prior to the formation of the new boards; and
- equivalent to that provided in the coterminous English-language school boards.

32. That the Ministry of Education provide start-up grants to assist with the initial costs associated with the establishment of new school boards.

33. That the French-Language Education Governance Implementation Commission to be established in 1991, as previously determined by the Minister of Education, have the mandate and composition described in this report.

34. That local planning and implementation committees be established wherever new French-language education governance structures are considered.

35. That the local planning and implementation committees be mandated to plan for the creation of French-language local or area school boards, to implement the chosen governance structure and to provide continuity.

36. That the local planning and implementation committees be composed of:

a) The trustees elected for the governance of French-language education;

b) The members of the French-language Advisory committee;

c) where neither (a) nor (b) above exist, representatives elected by the Franco-Ontarian community through a process initiated by the French-Language Education Governance Implementation Commission.

37. That the local planning and implementation committees consult with their respective local impact committees during the planning process.

38. That the Minister of Education establish a dispute resolution mechanism that provides for mediation and binding arbitration to resolve disputes that could arise from the creation of French-language school boards.

39. **That the Ministry of Education establish at the earliest convenience a task group to review the current definition of "French-speaking person" in Section 257 (a) of the *Education Act*.**

40. **That, until the current definition of "French-speaking person" in section 257 (a) of the *Education Act* has been reviewed, the admission of all non-right holders be subject to the approval of the admissions committees.**

41. **That the Ministry of Education establish at least four regional French-language co-operative educational services agencies, two for Northern Ontario and two for Southern Ontario to offer services, on a cost recovery basis, in areas such as pedagogy, student services, supervision, and professional development.**

42. **That the Ministry of Education secure access to any new technological development that could lower the cost and facilitate the provision of education in demographically sparse and geographically isolated areas.**

43. **That the Ministry of Education discuss and collaborate with other appropriate Ministries concerning the establishment of additional French-language programs and courses for the training of professionals in health, social services, and learning disabilities.**

44. **That the French-Language Education Governance Implementation Commission, in co-operation with provincial federations, associations, and unions representing employee groups, establish policies and procedures for the transfer to the new French-language school boards of teaching and support staff employed in French-language instructional units of existing boards.**

45. **That any real property that, on the 31st day of January of the year preceding the establishment of a new French-language school board was a school site or building used by a French-language instructional unit, be transferred to the French-language school board.**

46. **That the use and disposition of any school site or building in use by both French-language students who will become the responsibility of the new board and English-language students who will remain the responsibility of the current board be addressed by the Implementation Commission in its report to the Minister of Education.**

47. **That the Minister of Education set aside additional capital funds to be used for the provision of French-language education, where the number of French-speaking students warrants appropriate accommodation, the construction of specialized facilities, and the elimination of mixed schools.**

48. **That the Ministry of Education pay particular attention to the distance between a French-language school and the residences of the pupils when setting the priorities for the allocation of capital funds.**

49. **That the debenture assistance program of the Ministry be amended to provide a greater level of assistance in instances where the assessment base for the local share of capital projects is small.**

50. **That the Ministry of Education study the possibility of providing, in co-operation with other provincial ministries and the federal government, financial assistance for the establishment of *centres scolaires communautaires* that would include a French-language elementary and perhaps a secondary school.**

51. **That the Ministry of Education collaborate with other ministries in the establishment of French-language child-care facilities where needed.**

52. **That the French-Language Education Governance Implementation Commission establish policies and procedures for the fair and equitable transfer of the facilities of the existing boards to the new French-language boards.**

53. **That the Minister of Education review its policies with a view to ensuring that the new French-language school boards have access to facilities, furniture, and equipment for the administration, coordination, and supervision of French-language education.**

54. **That any request to the Minister of Education for the creation of a French-language school board include an action plan describing the contribution required from concerned parties – the original board, the new board and the Ministry of Education – in providing facilities, furniture, and equipment.**

55. **That the Ministry of Education monitor its transportation funding policy to reflect the particular demographic and geographic situation of the pupils enrolled in French-language schools.**

56. **That the French-Language Education Governance Implementation Commission establish policies and procedures for the fair and equitable transfer of the assets and liabilities of the existing boards to the new French-language school boards.**

57. **That the Minister of Education encourage the establishment of liaison committees in order to facilitate the consideration of any matter affecting French-language education and to make recommendations to those responsible for the provision of such an education.**

Ontario
Executive Council
Conseil des ministres

Order in Council
Décret

APPENDIX I

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that:

Sur la recommandation du soussigné, le lieutenant-gouverneur, sur l'avis et avec le consentement du Conseil des ministres, décrète ce qui suit :

WHEREAS under clause 9(a) of the Education Act, the Minister of Education may appoint such advisory or consultative bodies as may be considered necessary by the Minister from time to time;

AND WHEREAS the Minister considers it necessary to establish an advisory body to develop recommendations for the governance of French-language education in the Ontario school system including criteria for the establishment of French-language school boards;

NOW THEREFORE the French-language Governance Advisory Group is hereby established pursuant to clause 9(a) of the Education Act;

AND FURTHER the said Advisory Group's mandate will be to:

1. recommend to the Minister criteria for the establishment of French-language school boards as well as alternative approaches to French-language governance;

2. develop the terms of reference to be used by a French-Language Implementation Commission to be formed in 1991; and

3. submit a report to the Minister not later than the 15th day of May 1991;

AND FURTHER the said Advisory Group will consist of five (5) members from both the French and English language educational communities and one member will be designated as Chair of the Group;

NOW THEREFORE the following persons are appointed as members of the French-language Advisory group:

Susan Braun
Jean Comtois
Trèva Cousineau
Brian Fleming
Guy Lapensée

AND FURTHER that the terms of office of the members of the said Advisory Group are from the 16th day of November, 1990, until the 15th day of May, 1991;

AND FURTHER that Trèva Cousineau is designated as Chair of the Advisory Group from the 16th day of November, 1990, until the 15th day of May, 1991.

AND FURTHER that the Advisory Group will be dissolved when it has submitted its report to the Minister.

Approved and Ordered by the Lieutenant Governor in Council on November 14, 1990.

APPENDIX II

Canadian Charter of Rights and Freedoms

23.(1) Citizens of Canada

(a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or

(b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province,

have the right to have their children receive primary and secondary school instruction in that language in that province.

(2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.

(3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province:

(a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and,

(b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.

APPENDIX III

Section 93 of the British North American Act

93. In and for each Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following Provisions: -

(1) Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union;

(2) All the Powers, Privileges, and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects shall be and the same are hereby extended to the Dissentient Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec;

(3) Where in any Province a System of Separate or Dissentient Schools exists by Law at the Union or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial Authority affecting any Rights or Privilege of the Protestant or Roman Catholic Minority of the Queen's Subjects in relation to Education;

(4) In case any such Provincial Law as from Time to Time seems to the Governor General in Council requisite for the due Execution of the Provision of this Section is not made, or in case any Decision of the Governor General in Council on any Appeal under this Section is not duly executed by the proper Provincial Authority in that Behalf, then and in every Case require, the Parliament of Canada may make remedial Laws for the due Execution of the Provisions of this Section and of any Decision of the Governor General in Council under this Section. (50)

APPENDIX IV

The Goals of Education

The Ministry of Education in Ontario strives to provide in the schools of the province equal opportunity for all. In its contribution to programs, personnel, facilities, and finances, the ministry has the overall purpose of helping individual learners to achieve their potential in physical, intellectual, emotional, social, cultural, and moral development. The goals of education, therefore, consist of **helping each student to:**

1. **develop a responsiveness to the dynamic processes of learning**

   Processes of learning include observing, sensing, inquiring, creating, analysing, synthesizing, evaluating, and communicating. The dynamic aspect of these processes derives from their source in many instinctive human activities, their application to real-life experiences, and their systematic interrelation within the curriculum

2. **develop resourcefulness, adaptability, and creativity in learning and living**

   These attributes apply to modes of study and inquiry, to the management of personal affairs such as career plans and leisure activities, and to the ability to deal effectively with challenge and change.

3. **acquire the basic knowledge and skills needed to comprehend and express ideas through words, numbers, and other symbols**

   Such knowledge and skills will assist the learner in applying rational and intuitive processes to the identification and solution of problems by:

   a) using language aptly as a means of communication and an instrument of thought;
   b) reading, listening, and viewing with comprehension and insights;
   c) understanding and using mathematical operations and concepts.

4. **develop physical fitness and good health**

   Factors that contribute to fitness and good health include regular physical activity, an understanding of human biology and nutrition, the avoidance of health hazards, and concern for personal well-being.

5. **gain satisfaction from participating and from sharing the participation of others in various forms of artistic expression**

Artistic expression involves the clarification and restructuring of personal perception and experience. It is found in the visual arts, music, drama, and literature, as well as in other areas of the curriculum where both the expressive and receptive capabilities of the learner are being developed.

6. **develop a feeling of self-worth**

Self-worth is affected by internal and external influences. Internally it is fostered by realistic self-appraisal, confidence and conviction in the pursuit of excellence, self-discipline, and the satisfaction of achievement. Externally it is reinforced by encouragement, respect, and supportive evaluation.

7. **develop an understanding of the role of the individual within the family and the role of the family within society**

Within the family the individual shares responsibility, develops supportive relationships, and acquires values. Within society the family contributes to the stability and quality of a democratic way of life.

8. **acquire skills that contribute to self-reliance in solving practical problems in everyday life**

These skills relate to the skilful management of personal resources, effective participation in legal and civic transactions, the art of parenthood, responsible consumerism, the appropriate use of community agencies and services, the application of accident-prevention techniques, and a practical understanding of the basic technology of home maintenance.

9. **develop a sense of personal responsibility in society at the local, national, and international levels**

Awareness of personal responsibility in society grows out of knowledge and understanding of one's community, one's country, and the rest of the world. It is based on an understanding of social order, a respect for the law and the rights of others, and a concern for the quality of life at home and abroad.

10. **develop esteem for the customs, cultures, and beliefs of a wide variety of societal groups**

This goal is related to social concord and individual enrichment. In Canada it includes regard for:

a) the Native peoples;
b) the English and French founding peoples;
c) multiculturalism;
d) national identity and unity.

11. **acquire skills and attitudes that will lead to satisfaction and productivity in the world of work**

In addition to the appropriate academic, technical, and interpersonal skills, this goal relates to good work habits, flexibility, initiative, leadership, the ability to cope with stress, and regard for the dignity of work.

12. **develop respect for the environment and a commitment to the wise use of resources**

This goal relates to a knowledgeable concern for the quality of the environment, the careful use of natural resources, and the humane treatment of living things.

13. **develop values related to personal, ethical, or religious beliefs and to the common welfare of society**

Moral development in the school depends in part on a consideration of ethical principles and religious beliefs, a respect for the ideals held by others, and the identification of personal and societal values.

The preceding goals are not arranged in any hierarchical order, nor are they discrete categories from which a checklist should be made. The integrated nature of learning and the complex pattern of human development preclude such a sequential or fragmented approach. The translation of the goals into curriculum objectives, however, will undoubtedly result in sequences of learning appropriate to the particular levels and stages of development of the students for whom programs are being planned.

APPENDIX V

Notice of Consultations and Request for Written Briefs

On November 14, 1990, Education Minister Marion Boyd announced the appointment of a French Language Education Governance Advisory Group. The Group will hold consultation sessions with the view to recommending to the Minister criteria for the implementation of alternative approaches to French-language governance, including the creation of French-language school boards.

The Sessions will be held in London, Ottawa, Sudbury, Thunder Bay, Timmins and Toronto.

The Advisory Group is seeking constructive suggestions in this matter particularly with regard to preferred French language education governance approaches; the viability of each approach with respect to the minimum number of students required and the methods of funding; the division of powers; the means to ensure equivalence of programs, services and facilities, and personnel transfers.

Individuals, groups and organizations wishing to make a presentation during these consultation sessions are asked to contact the secretariat of the Advisory Group by calling (416) 965-6504 or 1-800-667-7396 before December 19, 1990.

Those not wishing to make a presentation but who wish to offer suggestions on one or several of the aforementioned topics are invited to submit a written brief by January 25, 1991 to:

Mrs. Trèva Cousineau
Chair
French Language Education Governance Advisory Group
900 Bay Street, 5th floor, Mowat Block
Toronto, Ontario
M7A 1L2

Pour reseignement en français, composer (416) 965-6504 ou 1-800-667-7396.

Ontario
Ministry of Education
French Language Education Goverance Advisory Group

APPENDIX VI

List of Briefs Submitted

N.B. the * indicates that the brief was presented and discussed during the public hearings

School Boards

* Chapleau Board of Education

* Dufferin-Peel Roman Catholic Separate School Board

* Durham Region Roman Catholic Separate School Board

Essex County Roman Catholic Separate School Board

* Frontenac-Lennox & Addington County Roman Catholic Separate School Board

* Geraldton Board of Education

* Halton Roman Catholic School Board

* Hearst Roman Catholic School Board

* Kapuskasing Board of Education

* Lake Superior Board of Education

* Board of Education of the City of London

* London & Middlesex County Roman Catholic Separate School Board

* Metropolitan Separate School Board

* Metropolitan Toronto French-language School Council

* Nipissing District Roman Catholic Separate School Board

* Nipissing Board of Education

* Ottawa Roman Catholic Separate School Board

* Conseil scolaire de langue française d'Ottawa-Carleton
* Conseil scolaire de langue française d'Ottawa-Carleton/Secteur catholique
* Conseil scolaire de langue française d'Ottawa-Carleton/Secteur public
* Prescott-Russell County Board of Education
* Sault Ste-Marie Board of Education
* Sault Ste-Marie Roman Catholic Separate School Board
* Stormont, Dundas & Glengarry Board of Education
* Sudbury Board of Education
* Sudbury District Catholic Separate School Board
* Timmins District Roman Catholic School Board

Minority Language Sections of School Boards

* Chapleau District Roman Catholic Separate School Board

* Dufferin-Peel Roman Catholic Separate School Board

* Durham Region Roman Catholic Separate School Board

* Essex County Roman Catholic Separate School Board

* Geraldton Board of Education

Kent County Roman Catholic Separate School Board - English-speaking trustees

Kent County Roman Catholic Separate School Board - French-language section

* Lakehead District Roman Catholic Separate School Board

* Lambton County Board of Education

Lambton County Roman Catholic Separate School Board & Oxford County Roman Catholic Separate School Board (joint submisssion)

* Board of Education for the City of London

* London & Middlesex County Roman Catholic Separate School Board

* Michipicoten Board of Education

Michipicoten District Roman Catholic Separate School Board

* Nipissing District Roman Catholic Separate School Board

* Nipissing Board of Education

* Prescott-Russell County Roman Catholic Separate School Board

* Prescott-Russell County Board of Education

* Stormont, Dundas & Glengarry County Roman Catholic Separate School Board

* Sudbury Board of Education

* Timmins Board of Education
* Timmins District Roman Catholic Separate School Board
* Windsor Roman Catholic Separate School Board
* York Region Roman Catholic Separate School Board

Associations

* Association canadienne française de l'Ontario/London-Sarnia

* Association canadienne française de l'Ontario/Nipissing

* Association des enseignantes & des enseignants franco-ontariens

Association des enseignantes & des enseignants franco-ontariens/Unité élémentaire catholique de Nipissing

Association des enseignantes & des enseignants franco-ontariens/Unités élémentaire & secondaire publiques de Nipissing

* Association des enseignantes & des enseignants franco-ontariens/Régionale-Sudbury (élémentaire et secondaire publiques conjointement)

* Association des enseignantes et des enseignants franco-ontariens/Unité Sudbury séparée

* Association des enseignantes et des enseignants franco-ontariens/Timmins (secondaire)

* Association des enseignantes et des enseignants franco-ontariens/Nipissing secondaire

* Association française des conseils scolaires de l'Ontario

Association française des conseils scolaires de l'Ontario/Régionale #1

* Association française des conseils scolaires de l'Ontairo/Régionale #4

* Association française des conseils scolaires de l'Ontario/Régionale 5

* Association française des conseils scolaires de l'Ontario/Secteur catholique

* Association française des conseils scolaires de l'Ontario/Secteur public

* Association franco-ontarienne des conseils des écoles catholiques

* Association Foyer-Jeunesse (Hanmer)

* Association de parents & instituteurs catholiques/régionale du conseil des écoles séparées catholiques romaines de Sudbury

* Association de parents & instituteurs de l'école Frère André/London

* Association des professeurs français des collèges communautaires

* Association des surintendantes & des surintendants franco-ontariens

* Collectif pour le collège du Nord

* Comité aviseur des directrices et des directeurs des écoles françaises du Nord-ouest

* Comité de citoyennes et de citoyens pour un conseil scolaire de langue française à Stormont, Dundas et Glengarry

* Comité consultatif de langue française/Conseil des écoles séparées catholiques du comté d'Elgin

* Comité consultatif de langue française/Conseil de l'éducation de Sault Ste-Marie

* Comité régional pour l'éducation en langue française de la région du Nord-Ouest

* Comité de parents de l'école élémentaire publique Jeanne Sauvé (Sudbury)

* Comité de parents de l'école élémentaire publique Franco-Nord (Azilda)

* Comité des parents/écoles françaises (Longlac)

* Conseil de l'éducation catholique pour les francophones de l'Ontario

Conseil de direction des écoles franco-ontariennes

Conseil de direction des écoles catholiques de Sudbury

Fédération des associations de parents francophones de l'Ontario

Fédération des élèves du secondaire franco-ontarien

* La firme Rhéal Leroux & associés inc.

* Le groupe de cinq citoyennes de Stormont, Dundas & Glengarry

Le groupe de travail des deux sections de langue française/Conseils scolaires de Stormont, Dundas & Glengarry

* Le regroupement des sections de langue française du Centre-Ouest

Ontario English Catholic Teachers Association

* Ontario Public School Boards' Association

* Ontario Secondary School Teachers' Federation

* Ontario Separate School Trustees' Association

* Société des universitaires de langue française de l'Ontario/Région Moyen-Nord

Individuals

* Bangs-Jeffrey, Jocelyne
* Chartrand, Denis
* Dennie, Donald
* Dorion, Basile
* Durant, Danielle
* Fortin, Lucie

Lapointe, Maurice

* Larouche, Nicole

Lavallée, Bernard

* Lemieux, Lise

Jain, Sushil

* Marcotte-Roy, Francine

Marleau, Gilles

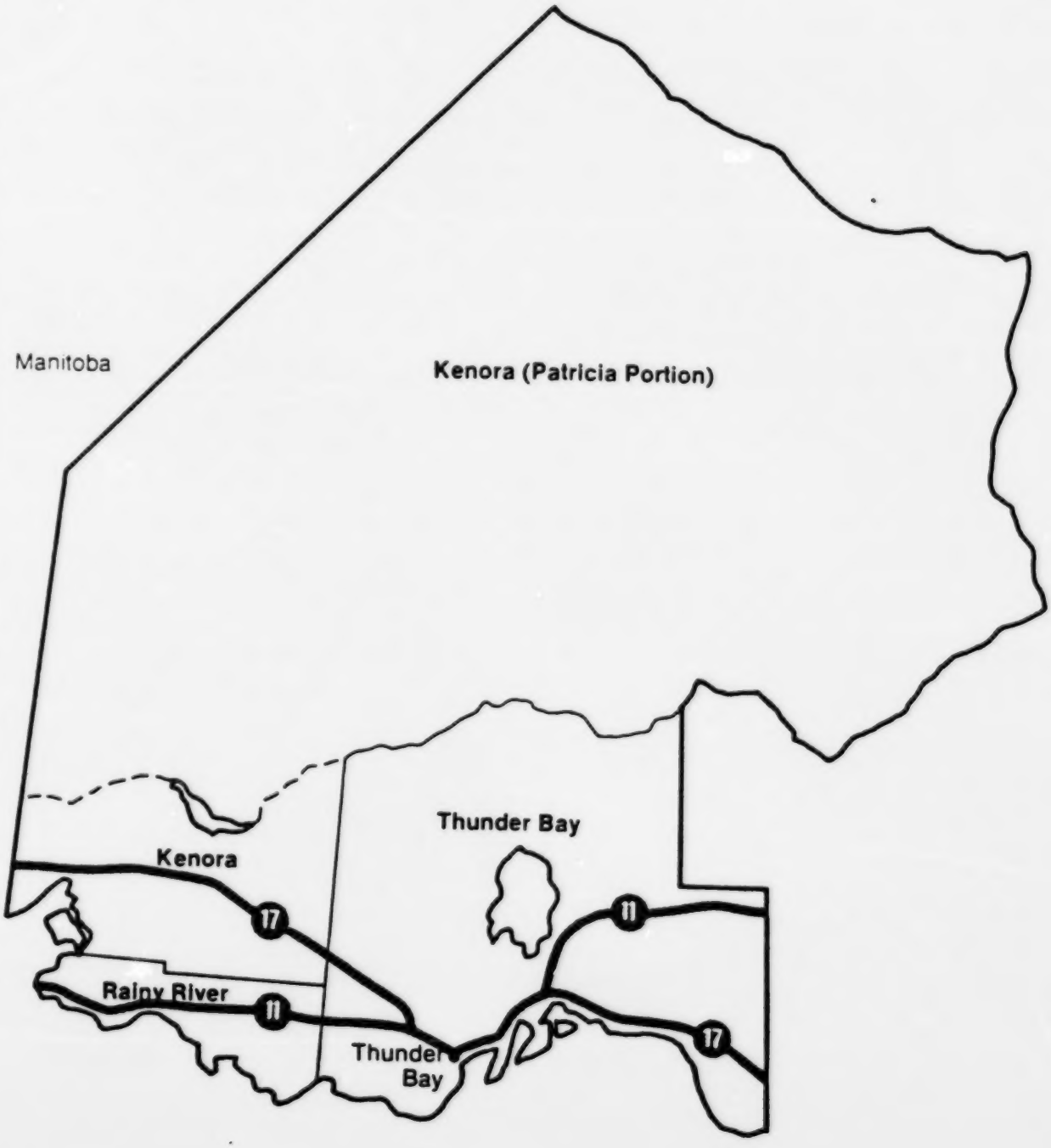
Meilleur-Lamoureux, Jacques

Gilles Métivier

* Rousseau, Monique
* Roy, Gérard
* Séguin, Jeannine

Northwestern Ontario Region
Nord-ouest de l'Ontario

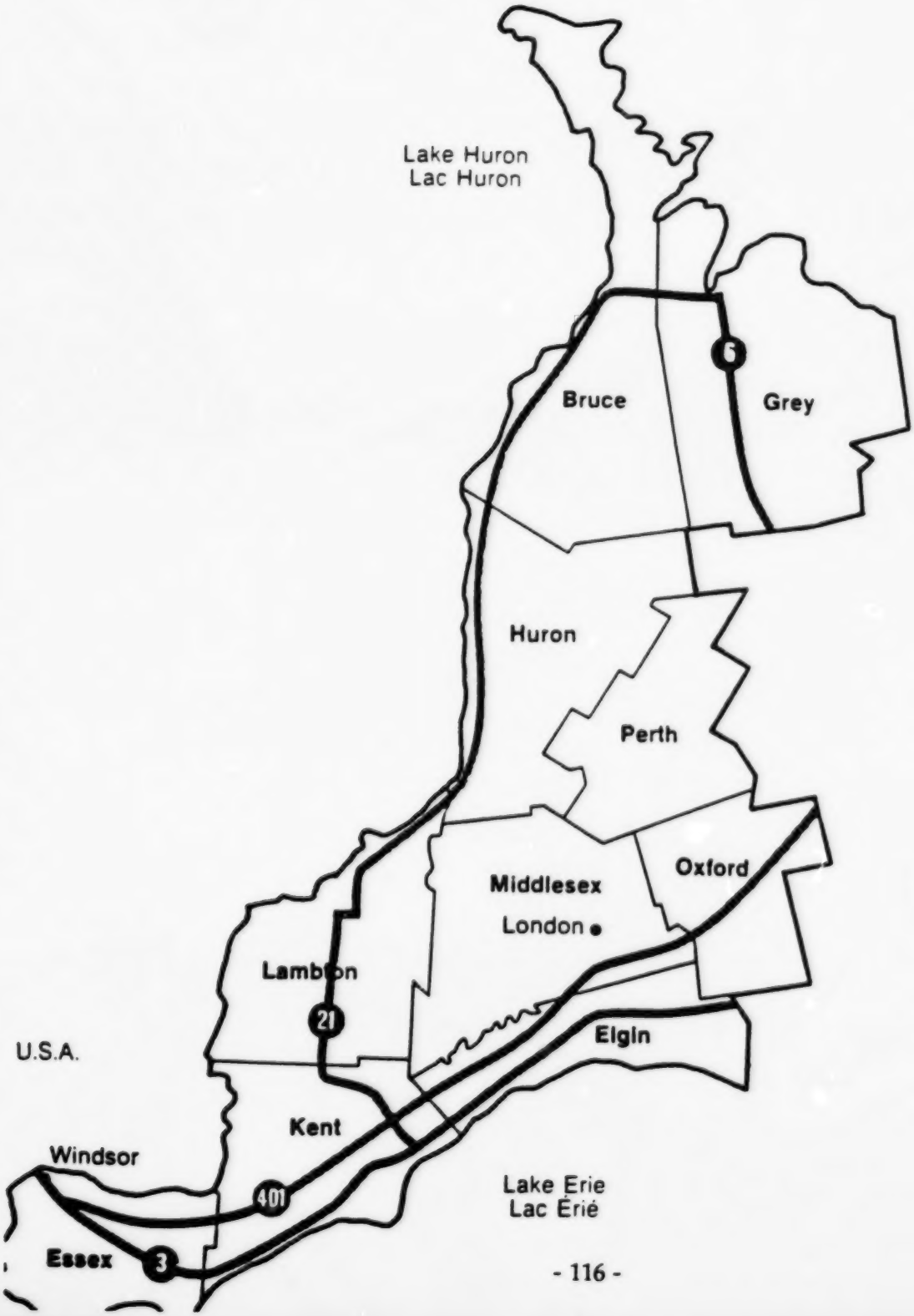
APPENDIX VII



Northeastern Ontario Region
Nord-est de l'Ontario

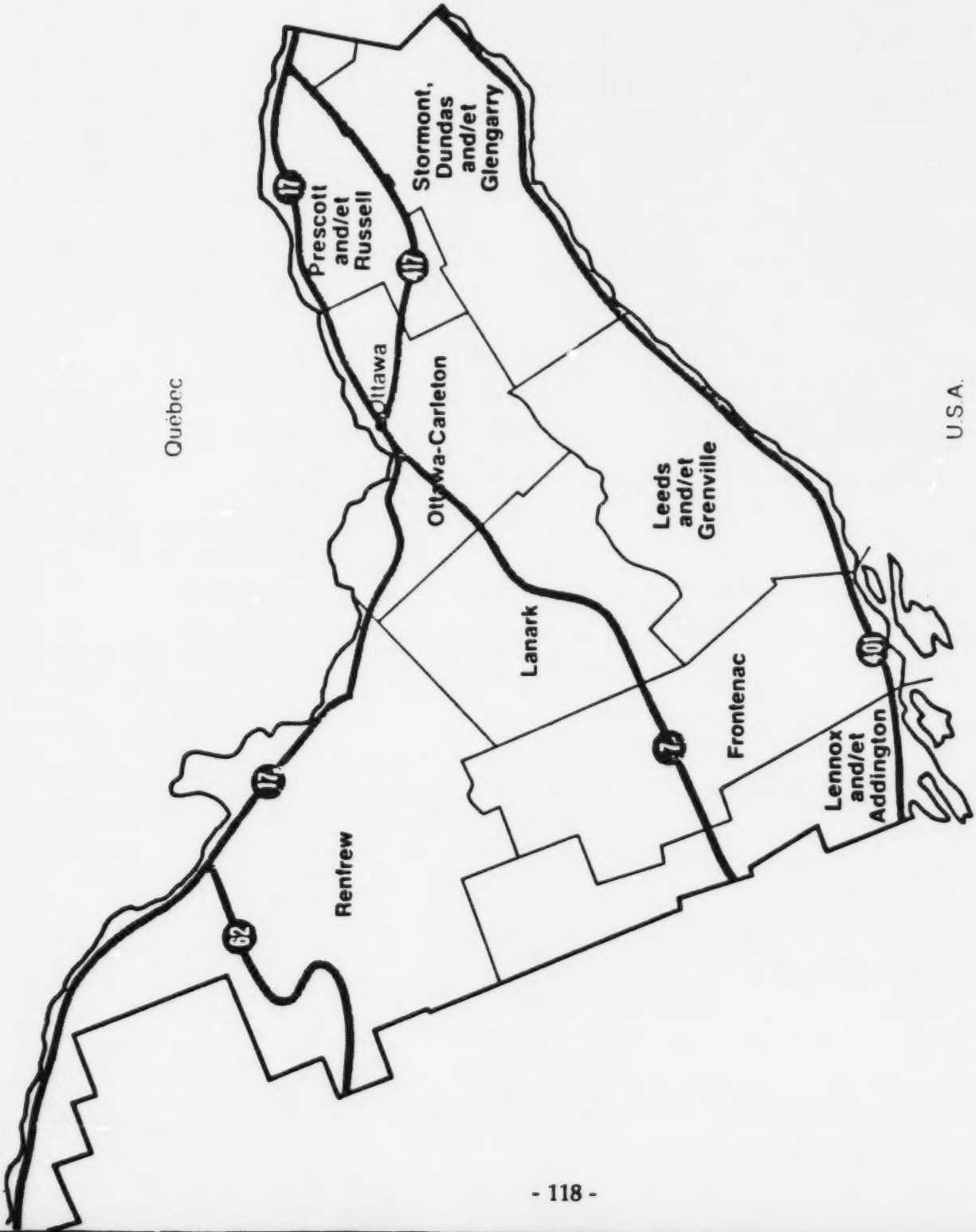
Midnorthern Ontario Region
Centre-nord de l'Ontario

Western Ontario Region
Ouest de l'Ontario



Central Ontario Region
Centre de l'Ontario

Eastern Ontario Region
Est de l'Ontario



BIBLIOGRAPHY

Bordeleau, L.-G. et al. L'éducation française en Ontario à l'heure de l'immersion. Projet du Conseil de l'éducation franco-ontarienne. Toronto, 1988.

Bordeleau, L.-G. et al. Les écoles secondaires de langue française en Ontario : dix ans après, ministère de l'Éducation de l'Ontario, Toronto, 1980.

Braën, André. Les droits scolaires des minorités de langue officielle du Canada. Programme de contestation judiciaire. Ottawa, 1990.

Choquette, Robert. La gestion des écoles françaises en Ontario : Hier et aujourd'hui. Conférence devant l'Association française des conseillers scolaires de l'Ontario. Mont-Gabriel (Québec), 1985.

Churchill, Stacy et al. Éducation et besoins des Franco-Ontariens: Le diagnostic d'un système d'éducation. Volumes I and II, report presented to the Conseil de l'éducation franco-ontarienne, 1985.

Conseil de l'éducation franco-ontarienne. Plan directeur de l'éducation franco-ontarienne. Toronto, 1989.

Coordinating Committee for the Governance of Francophone Schools by Francophones. A Fransaskois Component for the Saskatchewan School System. Saskatchewan Ministry of Education, 1989.

Desjarlais, Lionel et al. L'élève parlant peu ou pas français dans les écoles de langue française. Ministry of Education of Ontario, 1980.

Duhamel, R. L'article 23 de la Charte canadienne des droits et libertés: son impact sur la société canadienne, revue de l'ACELF, 1988. pp. 8-11.

Fédération des francophones hors Québec. Les droits linguistiques dans le domaine scolaire. Ottawa, 1986.

_____. The 90's Decade: Consolidation Period. Ottawa, 1990.

Foster, Elizabeth. Les droits à l'instruction dans la langue de la minorité à la lumière des décision des Cours d'appel de l'Ontario et de l'Alberta, Les cahiers de Droit, vol. 30, no. 3, September, 1989.

Foucher, Pierre. Les droits fondamentaux des minorités linguistiques, article published in the Cahiers de l'ACELF, Vol XVII, no. 2, 1989.

Fransaskois School Component Task Force. Proposals for the Implementation of the Fransaskois School Component. Saskatchewan Ministry of Education, 1990.

Gauthier, Richard et al. L'école, un lieu ou un milieu? Ottawa, Centre franco-ontarien de ressources pédagogiques, 1985

Godbout, Arthur. L'origine des écoles françaises dans l'Ontario. Ottawa, Éditions de l'Université d'Ottawa, 1977.

_____. Nos écoles franco-ontariennes. Ottawa, Éditions de l'Université d'Ottawa,1980.

J. Claude Mahe, Angéline Martel, Paul Dubé and l'Association de l'école Georges et Julia Bugnet v. Her Majesty the Queen in Right of the Province of Alberta. Supreme Court of Canada, March 1990.

Lamoureux, P.A. Un système d'éducation franco-albertain. Study sponsored by l'Association Canadienne-Française de l'Alberta and la Fédération des Parents Francophones de l'Alberta. Edmonton, 1990.

Lapierre, J. Edouard. Pour un plan de développement de l'éducation française au Canada des années 1990, article published in "L'éducation en langue française: témoignages porteurs d'avenir," revue de l'ACELF, vol XVI, no. 1, 1988.

Lapointe, Maurice. Vers un conseil scolaire de langue française, (1988): Un conseil à suivre. Ottawa: Conseil francophone de planification scolaire d'Ottawa-Carleton, 1986.

Martel, Angéline. Official Language Minority Education Rights in Canada: From Instruction to Management. Study sponsored by the Office of the Commissioner of Official Languages. Ottawa, 1991.

Matte, Guy. La décision Mahe: interpretation en incidences, allocution présentée à l'Université d'Ottawa. May, 1991.

Mayo, Henry. Report of the Ottawa-Carleton Review Commission. Toronto, 1976.

Mougeon, R. et Heller, M. The Social and Historical Context of Minority French language Schooling in Ontario. Toronto. Centre de recherches en éducation franco-ontarienne, Institut d'études pédagogiques de l'Ontario, 1985.

Ontario. Ministry of Community and Social Services. Advisory Committee on Children's Services. Children First: Report of the Advisory Committee on Children's Services. Toronto, 1990.

Ontario. Ministry of Education. Ministerial Commission on French-Language Secondary Education (Symons Commission). Report of the Ministerial Commission on French-Language Secondary Education. Toronto, 1972.

_____. Ministry of Education. Ontario Schools, Intermediate and Senior Divisions (Grades 7-12/OACS): Program and Diploma Requirements. Toronto, 1989.

_____. Ministry of Education. The Formative Years. Circular P1J1: Provincial Curriculum Policy for the Primary and Junior Divisions of the Public and Separate Schools of Ontario. Toronto, 1975.

_____. Ministry of Education. An Act to establish a French-Language School Board for the Regional Municipality of Ottawa-Carleton (Bill 109). Toronto, Queen's Printer for Ontario, 1988.

_____. Ministry of Education. An Act to amend the Education Act and certain other Acts relating to Education Assessment (Bill 64). Toronto, Queen's Printer for Ontario, 1989.

_____. Ministry of Education. An Act to amend the Ottawa-Carleton French-Language School Board Act, (Bill 65). Toronto, Queen's Printer for Ontario, 1989.

_____. Education Act, Toronto, Queen's Printer for Ontario, 1990.

_____. Report of the Ottawa-Carleton French-Language Education Advisory Committee. Ottawa, 1986.

_____. Ministry of Education. Committee on French-Language Schools of Ontario (Bériault Committee). Report of the Committee on French-Language Schools of Ontario. Toronto, 1968.

_____. Ministry of Education. Commission on the Financing of Elementary and Secondary Education in Ontario (MacDonald Commission). Report of the Commission on the Financing of Elementary and Secondary Education in Ontario. Toronto, 1985.

_____. Comité d'étude des conseils scolaires de Prescott-Russell. Rapport du comité d'étude des conseils scolaires de Prescott-Russell. Gloucester, 1987.

. Ministry of Education. Report of the Joint Committee on the Governance of French-Language Elementary and Secondary Schools. Toronto, 1982.

_____. Ministry of Education. A Proposal in Response to the Report of the Joint Committee on the Governance of French-Language Elementary and Secondary Schools. White Paper. Toronto, 1983.

_____. Minority Language Governance Study Committee (Sullivan Committee). School Boards in Ontario. Toronto, 1984.

Prince Edward Island. Department of Education. Minority Language Education Rights on Prince Edward Island: The Development of New Regulations. Charlottetown, 1990.

_____. School Act: Regulations Amendment. Charlottetown, 1990.

_____. An Act to Amend the School Act. Charlottetown, 1988.

Québec (Province de). Renvoi relatif à la loi sur l'instruction publique, L. Q. 1988, c. 84. Cour d'appel. 1990.

Supreme Court of Ontario. Marchand v. Simcoe County Board of Education et al. 1986, 55 O. R. (2d).

Supreme Court of Ontario. Reference Re Education Act of Ontario and Minority Language Education Rights. 1984, 47 O. R. (2d). (Ont. C. A.)